

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: DEYON DEAN and)
IVONNE SAMBOLIN

OEIG Case # 09-01120

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Deyon Dean and Ivonne Sambolin at their last known addresses.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

Executive Summary

On April 16, 2009, Illinois Department of Human Services (“DHS”) Division of Community Health and Prevention Associate Director Deyon Dean was elected Mayor of the Village of Riverdale (“Riverdale”). Mr. Dean was sworn into that office on May 5, 2009. In late November 2009, the Office of Executive Inspector General for the Agencies of the Illinois Governor (“OEIG”) received an allegation relating to Mr. Dean’s performance of his State duties. The multi-year investigation that ensued revealed that Mr. Dean spent hundreds of hours conducting Riverdale and personal business during work hours for which he was paid by the State of Illinois. Mr. Dean told OEIG investigators that he worked “24/7” on behalf of the State *and* Riverdale. While it is unclear exactly how much work for the State Mr. Dean performed on any given day, what is clear is that he systematically abused State time and resources to conduct Riverdale business on State time. In simple terms, this investigation concerned a full-time State employee who saw nothing wrong with placing his conflicting personal interests and his interests as Mayor of Riverdale above the interests of the State of Illinois.

In summary, Mr. Dean conducted Riverdale business without regard for his State work hours and used State resources to do so. Specifically, Mr. Dean:

- attended numerous weekly Riverdale management meetings while on State time;
- spent the equivalent of weeks of time talking on his personal and Riverdale cellular telephones while on State time; and
- used his State computer and email account to send and receive numerous communications relating to Riverdale business, personal business, and his campaign for mayor.

Mr. Dean facilitated his misconduct, in part, by exempting himself from DHS policies or directives intended to monitor his work, including those requiring him to inform his supervisor of his whereabouts, accurately record his appointments on a shared calendar, and seek approval to “work away” from his DHS office. As a result, his superiors could not determine when he showed up for work, whether he was away from his DHS office working on State matters, or, as this investigation revealed, whether he was instead conducting Riverdale business on State time. Mr. Dean’s misconduct was so brazen, that even after OEIG investigators interviewed him in July 2010 and February 2011 about his conflicting Riverdale mayoral and DHS positions, he continued to engage in misconduct.

In addition, even though in late May or early June 2010, DHS concluded that a conflict of interest existed between Mr. Dean’s State employment and his mayoral duties, he was allowed to continue to hold his DHS Associate Director position. The failure on the part of Mr. Dean’s supervisor to adequately monitor him did not help matters. Indeed, during its surveillance of Mr. Dean, investigators saw that his supervisor, Ivonne Sambolin, did not always arrive to work on time.

Mr. Dean also failed to cooperate with OEIG investigators by making false statements about his dual and conflicting roles as a State employee and Mayor of Riverdale.

The OEIG recommends Mr. Dean’s termination from State employment.

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FINAL REPORT

I. INTRODUCTION

On November 12, 2009, the Office of Executive Inspector General (“OEIG”) received a complaint alleging that Illinois Department of Human Services (“DHS”) Associate Director of the Division of Community Health and Prevention and Village of Riverdale (“Riverdale”) Mayor Deyon Dean had engaged in misconduct. During the course of the investigation, the OEIG discovered that while Mr. Dean was simultaneously employed as a full-time DHS employee and Mayor of Riverdale he repeatedly:

- failed to adhere to his State work hours;
- engaged in non-State business during State work hours, including by participating in meetings during State work hours in his capacity as Mayor of Riverdale;
- knowingly used State resources for personal and political purposes;
- failed to submit written requests to document all of his travel during State hours;
- failed to correct DHS timesheets he knew to be false; and
- failed to cooperate with OEIG investigators.

This misconduct exposes a serious conflict of interest that exists between Mr. Dean's DHS position and his secondary employment as Mayor of Riverdale. Investigators learned that the DHS Office of General Counsel also realized the existence of a conflict of interest with Mr. Dean's secondary employment on May 27, 2010. Yet, no one at DHS compelled Mr. Dean to cure the conflict of interest by "terminat[ing] the outside employment or terminat[ing] employment with DHS" as mandated under DHS policy. Instead, the Secretary of DHS implemented alternative measures that allowed Mr. Dean to maintain both forms of employment.

Yet, the findings of this investigation reveal that Mr. Dean was not adequately monitored and that the conflict of interest continued as Mr. Dean worked both jobs on State time, simultaneously holding himself out as both a DHS employee and Mayor of Riverdale. One of the reasons that Mr. Dean's misconduct went unchecked was because his former supervisor, Ivonne Sambolin:¹

- failed to appropriately supervise Mr. Dean; and
- failed to adhere to her own State work hours.

Based on these findings, the OEIG concludes that Mr. Dean's repeated and systematic misconduct, coupled with his failure to cooperate during the course of this investigation, by which he collectively violated numerous DHS rules and procedures and the State Officials and Employees Ethics Act, call for his termination from State employment.

II. BACKGROUND

A. Mr. Dean's Various Employment, Appointed and Elected Positions

In addition to his DHS employment, Mr. Dean has held several appointed or elected positions, including: Thornton Township Human Relations Commissioner, Riverdale Trustee, and Mayor of Riverdale.

1. Thornton Commissioner and Riverdale Trustee

The Thornton Township Human Relations Commission was established to address community cultural diversity issues. Mr. Dean informed investigators he has served as Thornton

¹ Ms. Sambolin (also referred to at times as "Ivonne Sambolin-Jones" in OEIG records) remained Mr. Dean's supervisor until March 1, 2012.

Township Human Relations Commissioner since approximately 1997.² As Commissioner, Mr. Dean attends Riverdale events, including those hosted at the Thornton Community building.³

In addition, from approximately 1999 through 2009, Mr. Dean served as one of several elected Village of Riverdale Trustees. The Village of Riverdale Board of Trustees, along with its President, the Mayor of Riverdale, oversee municipal government operations in Riverdale, IL.

2. Mr. Dean's State Employment

In October 2003, DHS hired Mr. Dean as a Public Service Administrator. In September 2007, he became Associate Director of the Division of Community Health and Prevention ("CHP").⁴ The responsibilities of that position include overseeing CHP staff in the five regions of the State where the division's services are provided, including Chicago, Blue Island, and Springfield, IL, among other locations.⁵ Mr. Dean's Associate Director salary is approximately \$71,800 per year. From September 2007 through March 2012, he reported to Ivonne Sambolin, who served as the Director of CHP from 2007-2011.⁶

Since becoming Associate Director, Mr. Dean's official State work hours have been Monday through Friday, 8:30 a.m. until 5:00 p.m., and he is compensated for 7.5 hours of work per day. Mr. Dean does not submit weekly timesheets reflecting the hours he works; rather, each month he is provided a monthly attendance record, which he is obligated to correct and certify. The monthly attendance record reflects the days and hours Mr. Dean worked each day of the corresponding month and also notes any time off Mr. Dean may have taken.

Each DHS monthly attendance record⁷ contains the statement:

"PURSUANT TO THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT, I HAVE REVIEWED THIS TIMEKEEPING REPORT. MY SIGNATURE INDICATES THIS TIME RECORD IS CORRECT OR HAS BEEN CORRECTED BY ME AND IT ACCURATELY REFLECTS HOURS WORKED, TIME EARNED AND USED, INCLUDING TIME SPENT ON OFFICIAL STATE BUSINESS AND ANY APPROVED OVERTIME COMPENSATION FOR WHICH I AM ENTITLED TO RECEIVE."

² The Thornton Township Human Relations Commission was not created until August 1998. See <http://www.thorntontownship.com/en/services/other-services> (last accessed June 25, 2012).

³ State vendor records reveal that the Thornton Township Youth Committee, which serves the Riverdale community, receives funding from the DHS division in which Mr. Dean worked from 2007-2011.

⁴ In January 2012, the CHP division was merged into the division of Family and Community Services.

⁵ Mr. Dean's job description, as it relates to supervising staff, does not expressly discuss any travel obligations to the regional offices in Blue Island and Springfield, but such travel is reasonably implied, and his supervisor directed him to travel to these destinations.

⁶ Mr. Dean continued to report to Ms. Sambolin after she was reassigned from the position of CHP Director in January 2012.

⁷ Monthly attendance records are computer-generated reports that indicate whether the employee worked a regular daytime shift or used work-away time or leave time (i.e., vacation, sick, personal) on a particular day. In light of file retention practices, DHS was unable to produce all of Mr. Dean's monthly attendance records and leave requests.

Below this language are three signature lines, one for the employee, his or her supervisor, and the DHS timekeeper.

Should Mr. Dean wish to take leave from his job in the form of vacation, sick, personal, or furlough time, he is required to submit a separate document referred to as a leave request, which denotes the date, time, and type of the desired leave. If approved, the leave is reflected in the monthly attendance record Mr. Dean receives for certification, and ultimately recorded in payroll records that determine his wages.⁸

Mr. Dean has never received telework authorization (i.e., authorization to work from a remote location, such as his home),⁹ and therefore, is required to complete his work at his assigned DHS office located at 401 S. Clinton, Chicago, IL (“the DHS building”) unless approval to work elsewhere is granted by his supervisor. As Mr. Dean’s position requires him to oversee staff across the State, he must at times work away from the DHS building, and in order to obtain supervisory approval to work elsewhere, he must submit a “Work Away Record” form (“Work Away form”)¹⁰ noting the date, time, and purpose of the work away from the DHS building.

To assist with his State duties, Mr. Dean was issued the following State equipment and State email account:

- a Lenovo R60 IBM Thinkpad laptop with DHS Tag # J12374 that connected to the State computer system through a user account identified as “DHSE120;”
- a BlackBerry cellular telephone with DHS Tag # 503437;
- three (312) area code telephone landlines: [redacted], [redacted], and [redacted];¹¹ and
- an email account with the address of deyon.dean@illinois.gov.

Mr. Dean lives at [redacted], Riverdale, IL 60827, which is approximately a 30 to 50-minute commute to and from the DHS building. Mr. Dean’s home telephone number is [redacted]. Mr. Dean also possesses a personal cellular telephone: [redacted].

3. Mr. Dean’s Election as Mayor of Riverdale

On April 16, 2009, Mr. Dean was elected Mayor of Riverdale (also referred to as “Village President”). He was sworn into office on May 5, 2009. The Village of Riverdale issued Mr. Dean the following computer equipment and email account to assist with his mayoral duties:¹²

⁸ Payroll system records are also computer-generated records that reflect hours an employee is compensated for each workday in a manner similar to how they are recorded in monthly attendance records. DHS payroll system records are derived from information provided by the employee in his or her monthly attendance records.

⁹ Telework is addressed in DHS Administrative Directive 01.02.02.290.

¹⁰ “Work away” time is State time for which an employee receives permission to be away from his or her duty station to conduct State business. Supervisory approval of a Work Away form allows a DHS employee to complete State business at another location.

¹¹ These State telephone numbers were issued to him at various times during his DHS employment.

¹² Mr. Dean was also issued a black Ford Expedition bearing Illinois municipal license plate M156194.

- a BlackBerry cellular telephone with the number [redacted]; and
- an email account with the address [redacted].¹³

According to Riverdale Ordinance 2008-28,¹⁴ the mayoral position requires 25-40 hours of work per week and receives approximately \$35,000 in annual compensation. As of the date of this report, Mr. Dean continues to serve his four-year mayoral term.

B. Ivonne Sambolin's State Employment

From about September 2007, through December 2011, Ivonne Sambolin served as Director of CHP. In that position, her duties and responsibilities included staff and program supervision over all the division employees, including Mr. Dean, who was one of her five direct reports. Prior to October 28, 2011, Ms. Sambolin's official State hours were from 8:30 a.m. to 5:00 p.m. with a one-hour midday meal break. As of October 28, 2011, Ms. Sambolin's official State hours changed to 9:00 a.m. to 5:00 p.m. with a half-hour midday meal break.

III. ILLINOIS DEPARTMENT OF HUMAN SERVICES POLICIES

The DHS Administrative Directives, the DHS Employee Handbook ("Employee Handbook"), and the Supervisors['] How To Manual ("Supervisors' Manual"), set forth rules and policies addressing:

- Attendance and Timekeeping;¹⁵
- Tardiness;¹⁶
- Meal Breaks;¹⁷
- State-Related Travel (i.e. "Work Away");¹⁸

¹³ Mr. Dean also used email account [redacted] for personal and Riverdale business.

¹⁴ Riverdale Ordinance 2008-28 was an unsigned ordinance approved as unsigned by Riverdale Resolution 2010-12. Riverdale Resolution 2010-18 also removed all references to "full time" from Ordinance 2008-28.

¹⁵ Section III of the DHS Employee Handbook requires employees to be on site at their work locations and verify that their timesheets accurately reflect the hours that they work. It reads:

Employees are expected to be on site, performing required duties during the hours established for their job. If an employee is unable to report to work, or is going to be late, the employee must contact the supervisor Employees must complete the Staff Request for Time Off (IL444-4140) form for all absences or requests for time off and submit it to the supervisor for action.

Further, if an employee is "[e]xcessive[ly] and repeated[ly] tard[y] and absent[ly]," the employee may be disciplined, "up to and including discharge."

¹⁶ A late arrival that exceeds one hour is considered unauthorized, and "[w]hen tardiness becomes a problem the supervisor may both dock the employee's pay and take disciplinary action." The Supervisors' Manual states:

Each supervisor must inform his or her employees of the procedure to be used when an employee needs to report off work and/or for late arrival. When an employee reports to work late, the appropriate time is to be recorded for input in to the timekeeping system.

¹⁷ Section III of the Employee Handbook limits employees to one meal break midway through their workday, as well as two shorter breaks. The first shorter break is to be taken approximately midway between when the employee begins the day and the meal break, and the second shorter break is to be taken approximately midway between the meal break and end of the workday. The policy also states: "An employee may not shorten his or her work day or compensate for late arrival by working through meal periods or breaks."

¹⁸ The DHS Supervisors' Manual states that employees can only travel during State hours with supervisory approval. DHS Administrative Directive 01.02.02.170 states that it is an employee's supervisor's responsibility to

- Use of State Equipment;¹⁹ and
- Prohibition Against Personal Cellular Telephone Use.²⁰

Essentially, the DHS rules and policies require employees to perform their State work (rather than personal and political work, i.e., non-State work) during State hours and prohibit employees from using State resources (e.g., State computers and email accounts) for non-State related business.²¹ In addition, DHS policy does not allow an employee to leave early or compensate for a late arrival by forgoing a meal or other break to which the employee is entitled. DHS supervisors are charged with maintaining a timekeeping method that monitors midday meal breaks and addresses the submission of leave requests and Work Away forms. The rules and policies also prohibit fraudulent statements, including written submissions, and obligate State employees to cooperate with OEIG investigations.²²

IV. INVESTIGATION RELATING TO DEYON DEAN

During the course of this investigation, OEIG investigators reviewed thousands of documents, including timekeeping forms, emails, and calendar entries; subpoenaed numerous records; and interviewed several individuals on various topics. In addition, investigators interviewed Mr. Dean on multiple topics, on the following dates:

- July 28, 2010;
- February 9, 2011;

maintain a timekeeping method that verifies an “employee’s location, persons met, the specific duration of the time away from the designated business mailing address (actual times noted) and work conducted.”

¹⁹ The DHS Employee Handbook prohibits use of State equipment for non-State purposes. *See* DHS Administrative Directive 01.02.03.040; *see also* DHS Administrative Directives 01.03.01.010 (“The use of State resources, such as computer hardware and software, and employee time, is *strictly limited* to State of Illinois business (emphasis added).”) & 01.03.01.020 (“Use of State-owned personal computers (PCs) by [DHS] employees is *strictly limited* to State of Illinois business (emphasis added).”). Specifically, Section V of the Employee Handbook states that it is violation of the public trust and DHS policy:

- to “use State equipment for inappropriate purposes, meaning for purposes not related to State of Illinois business, or for personal gain;” and
- to conduct “outside business on State time, as well as the use of State facilities, staff, commodities, equipment, or phones to support outside activities.”

Section V also states that DHS computers are “limited to State of Illinois business[,] . . . [and e]mployees are not to use DHS computers for personal business” DHS similarly prohibits employees from using State facsimile machines and State telephones for personal use. DHS employees “may be subject to discipline up to and including discharge” for improper use of State equipment.

²⁰ The Employee Handbook states that unless prior supervisory approval is obtained, DHS employees are also prohibited from using personal communication equipment during State time and at DHS work sites, including “personal cellular telephones.”

²¹ DHS Administrative Directive 01.02.03.060 states that there is a zero-tolerance policy for “written or oral falsification by any current or prospective employee,” including any “act of misrepresentation, falsification or omission of any fact.” This policy applies to personnel records, and time and attendance records, and states that any resulting discipline may be “up to an[d] including discharge.”

²² Employees are obligated to cooperate and provide truthful statements in OEIG investigations. *See* DHS Administrative Directive 01.02.03.040. This directive is consistent with the State Officials and Employees Ethics Act (“Ethics Act”), 5 ILCS 430/20-70, which obligates all State employees “to cooperate with the Executive Inspector General” and further states that “failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements.”

- May 18, 2012; and
- June 25, 2012.

Below is a summary of the investigation.

A. Investigation Relating to Mr. Dean's Work Hours

As noted, Mr. Dean's monthly attendance records are adjusted if he self-reports deviations from his official State hours of 8:30 a.m. to 5:00 p.m. Therefore, in an effort to determine whether Mr. Dean was paid for State hours that he did not actually work, investigators reviewed and analyzed his DHS monthly attendance and payroll system records, interviewed individuals, and conducted periodic surveillance. Based on this evidence, the OEIG made the following observations.

1. Interviews Relating to Mr. Dean's Arrival and Departure Times

Investigators interviewed several DHS employees regarding Mr. Dean's work arrival and departure times from the DHS building, including Mr. Dean's Executive Assistant, Ms. Sambolin's former Executive Assistant, and the Administrative Assistant in charge of timekeeping. All of the individuals interviewed indicated that Mr. Dean frequently arrived to the DHS building after 9:00 a.m. and frequently departed prior to 5:00 p.m.

2. Efforts to Supervise Mr. Dean and Monitor his Whereabouts

On several occasions between December 16, 2009, and March 9, 2012, investigators communicated with and interviewed former CHP Director Ivonne Sambolin regarding her efforts to supervise Mr. Dean and monitor his whereabouts. Ms. Sambolin acknowledged her responsibility for handling disciplinary matters within her division, including employees who failed to perform their duties.

Ms. Sambolin stated that she had access to Mr. Dean's Outlook calendar, and directed him to keep it accurate and advise her of his meetings and his workday whereabouts. According to Ms. Sambolin, she instructed Mr. Dean that he was authorized to leave his office location at the DHS building only if he submitted and she approved a Work Away form.²³ Ms. Sambolin stated that if Mr. Dean indicated on his calendar that he was going to be somewhere and she saw him in the office, she would ask for an explanation. Ms. Sambolin noted that Mr. Dean's calendar would often indicate he was going to Springfield when, in fact, he would not go there.

²³ On Thursday, January 12, 2012, at 4:41 p.m., Ivonne Sambolin sent Mr. Dean an email that stated in the subject line: "Today's Work Away." In its entirety, the email sent to Mr. Dean read as follows:

*"Deyon,
I reviewed your WA after you had already left the building. It states that your meeting was from 2 [p.m.] until 4pm. It is now 4:40 [p.m.] and you have not come back. You will need to take time off for the time period of 4 [p.m.] until 5 [p.m.] Please submit for my signature.
Thank you,
Ivonne"*

Mr. Dean responded to the above email the same day at 4:43 p.m. as follows: "I Got to work at 8:35[a.m.,] and I'm now at lunch after the meeting."

Also, despite investigators observing that Mr. Dean's calendar noted him as being in Springfield approximately 10 times in 2011, Mr. Dean's subordinate staff informed investigators that they had only seen him in Springfield six or fewer times that year.

Ms. Sambolin produced a number of emails reflecting her efforts to monitor Mr. Dean's whereabouts, and investigators identified other emails received by Mr. Dean. Below are some of the emails Ms. Sambolin sent to Mr. Dean by date and time:

- Apr. 15, 2011 - *"I have not received work aways [sic] from you since [your assistant] has been on leave. Have you been out of the office?"*
at 10:45 a.m.
- May 20, 2011 - *"Are [yo]u coming in today[?]"*
at 10:01 a.m.
- July 13, 2011 - *"Deyon, According to your schedule you did not have a mtg [sic] until 2pm. What time will you be taking for the morning? Please respond to this message."*
at 2:01 p.m.
- Aug. 9, 2011 - *"I am aware you are going to Springfield this week. Your schedule is not detailed on what you will be doing. Can you please provide details. You have not submitted for [sic] work away forms or authorization for hotel stay."*
at 2:46 p.m.
- Aug. 10, 2011 - *"This is the second time you have on your schedule that you would go to Springfield and have cancelled."*
at 3:58 p.m.
- Sept. 16, 2011 - *"I will no longer sign off on end of day mtgs [sic] in the South Suburbs. I have asked you time and time again to spread yourself to include other parts of the State and to travel downstate as well. You have failed to do so."*
at 3:04 p.m.
- Sept. 28, 2011 - *"Your schedule has you in Kankakee today from 11am til [sic] 3pm. Did you come in this morning? Did you give me a work away?"*
at 12:57 p.m.
- Oct. 7, 2011 - *"Your calendar clearly states that you would be doing [redacted's] Monthly mtg [sic] via conf. call at 1pm, yet you are not in the office. . . . I have made it very clear that Work Away forms must be signed by me prior to leaving the office or at the very least inform me via call or email if you will not be in the office. . . . Please be advised that I will be providing you with a [sic] discipline in writing on Tuesday, October 11, 2011."*²⁴
at 4:06 p.m.

Ms. Sambolin acknowledged that she routinely gave subordinates permission to leave early when workplace obligations caused them to miss their midday meal break. She estimated that on three or four occasions per month she gave Mr. Dean permission to leave early when he informed her that he had not taken a meal break.²⁵

²⁴ Ms. Sambolin acknowledged that she never followed through with any discipline related to the conduct that she referenced in this email. She recalls that she spoke with Mr. Dean about the conduct stated in the email, and he must have provided her with a response that satisfied any concerns that she had.

²⁵ On Thursday, January 12, 2012, at 4:26 p.m., Ivonne Sambolin sent Mr. Dean an email that stated in the subject line: "Conversation on January 11, 2012." In its entirety, the email read as follows:

"Deyon,

3. Surveillance of Mr. Dean

In light of statements of numerous individuals that Mr. Dean generally arrived to work late and would often leave early, as well as the aforementioned supporting documents, which included the emails produced by Ms. Sambolin or identified by the OEIG, a periodic surveillance of Mr. Dean was conducted on fifteen dates between August 11 and November 22, 2011. The surveillance results revealed that Mr. Dean failed to report to work by 8:30 a.m. or left prior to 5:00 p.m. on twelve occasions during that fifteen-day surveillance.

4. Interview of Mr. Dean Regarding His Arrival and Departure Times

With regard to arriving to work on time, Mr. Dean stated in his May 2012 interview that he might work “9:00 [a.m.] to 5:00 or 5:30 [p.m.]” on some days, often Thursdays, but for the most part he worked from “8:30 [a.m.] to 5:00 [p.m.]” Mr. Dean noted that on Thursdays he makes an exception for personal reasons (citing time spent with his son) that required him to begin his day at 9:00 a.m. Asked whether he ever received any written authorization to change his Thursday schedule, Mr. Dean stated he had not, but said he had always done it since becoming CHP Associate Director.

The following example is illustrative of Mr. Dean’s overall response to the surveillance evidence. On Tuesday, November 15, 2011, one of the surveillance dates, investigators saw Mr. Dean arrive at the DHS building at 10:15 a.m. and depart at about 3:11 p.m. Investigators asked what, if any, DHS activities he engaged in outside of the DHS building on that day given that no Work Away form was filed and there were no appointments noted on his State Outlook calendar. Mr. Dean said he could not recall his activities on that day and added: “there are days that . . . if I’m on the phone in the morning, . . . I feel as though my day at work has started . . . [despite] the fact that I’m [not] actually in the building itself.” Mr. Dean went on to say that if no records of any telephone calls could be located for the time when he was absent from the DHS building, he might otherwise have been doing paperwork on behalf of the State.

On Wednesday, January 11, 2012[,] we spoke about an email that I sent you on Monday, January 9, 2012, explaining the fact that [employee 1] informed me that you would be reporting to me. I also reminded you that we all must adhere to the sign-in and out policy. You were off on Tuesday[,] and I assumed you would sign in on Wednesday[,] but obviously you had not read my email. We have now established that you must sign in and out[,] and Work Away forms must be done in advance. You are now very clear that the policy applies to everyone, not just subordinate staff. You did not sign in or out on January 11, 2012[,] but I noticed you have signed in and out for today.

In addition, during our conversation you requested to take your lunch at the end of the day. I granted that but I believe you left at 3:30[p.m.]. Please note that you only have one hour for lunch and must account for the 30 additional minutes you took. Please submit time off request for that time period.

*Thank you,
Ivonne.”*

Mr. Dean responded to the above email the same day at 4:42 p.m. as follows: “Ivonne...if we talked today why the email? I left at 3:40 [p.m.] and will be happy to fill out the form to cover 25 [minutes]. Thanks, Deyon.”

5. Interview of Mr. Dean Regarding Compliance with Timekeeping and Attendance Recording Policies

Throughout his interviews, Mr. Dean acknowledged familiarity with the DHS policy obligating employees working away from the office to fill out a Work Away form noting any absence from the DHS building for State-related business and stating the purpose, location, and duration of the work. He noted that management is “stern” about enforcing the work-away policy since its 2007 inception, and he was aware that simply maintaining his Outlook calendar did not satisfy the standard, although he had also been directed by his supervisor to maintain an accurate calendar.

In his first interview, Mr. Dean claimed he abided by all DHS attendance policies, including submitting Work Away forms and informing someone of any leave he needed to take for non-State business during his workday. When it was pointed out to Mr. Dean during his May 2012 interview that he did not, in fact, always complete requests for leave and work away during the State workday, Mr. Dean did not express surprise. Mr. Dean acknowledged: “I’ve been late [to work], so the tardiness, you know . . . the tardiness has been there.”

Mr. Dean also acknowledged that he had often times left early if he forfeited a meal break or needed to attend various community events, but stated that he had only left early with Ms. Sambolin’s permission or if the event was noted on his State Outlook calendar. During his July 2010 interview, Mr. Dean was asked if his calendar entries are an accurate reflection of his whereabouts and in response stated, “I would say pretty much I’m accurate about my whereabouts,” but added subsequently: “I don’t put all of my information on [the Outlook calendar].” Mr. Dean elaborated further on his calendar maintenance practices in his May 2012 interview. At that time, he reiterated his calendar was not always correct and “subject to change,” meaning that he may not have attended the events noted on his calendar, because, as he put it, “calendars can change during the day.”

Also, in his May 2012 interview, when shown 2011 emails sent to him by Ms. Sambolin asking about his whereabouts, Mr. Dean responded that she always sent him “stuff about where [he was]” and what he was doing because that was just “the way she operated.”

B. Mr. Dean’s Workday Activities

As already noted, in an effort to determine Mr. Dean’s workday activities, investigators reviewed and conducted interviews and analyzed numerous documents, including attendance and timekeeping forms, emails, and subpoenaed records. Many of these documents and records were presented to Mr. Dean for comment during his May and June 2012 interviews. Below is a summary of evidence investigators uncovered, as well as the responses Mr. Dean offered.

1. Political Related Emails Transmitted Through Mr. Dean’s State Email Account or on Mr. Dean’s State Laptop

Investigators reviewed hundreds of non-State-related emails that had been transmitted through Mr. Dean’s State email account or that had been accessed through his State laptop.

Topics of those emails encompassed campaign fundraising for Mr. Dean's 2009 mayoral campaign and other Riverdale-related business. Within the category of emails that related to Mr. Dean's mayoral election were pre-election campaign event notices, post-election congratulatory messages from colleagues and a DHS subordinate, and a commendation from the former DHS Secretary regarding action Mr. Dean had taken as Mayor of Riverdale. Mr. Dean replied to some of the messages, including the one from the former DHS Secretary.

Below are some emails related to Mr. Dean's mayoral campaign discovered on his State computer or transmitted through his State email address:

Feb. 3, 2009 - *"I am sending this letter to you to ask for your support Your donation will help with campaign expenses and make it possible for Deyon to get the message to the residents throughout Riverdale. . . . For more campaign information or to learn how you can participate with Citizens for Deyon Dean, please contact us at [telephone] or [email]."*
 To: Deyon Dean
 From: [citizen 1]²⁶

Mr. Dean replied on February 4, 2009: *"I thank you all for your support!"*

Feb. 11, 2009 - *"Some of you may have heard that Deyon is currently running for Mayor of Riverdale, IL. . . . Attached is a letter²⁷ to all of [our] friends and family asking for your prayers and support. . . . Love [wife] and Deyon."*
 To: Deyon Dean²⁷
 From: [wife]²⁸

Feb. 11, 2009 - Enclosing an invite to a February 21, 2009 event entitled *"Deyon Dean: The Next Mayor of Riverdale!"* to be held at the Riverdale Marina.
 To: Deyon Dean
 From: [wife]

Feb. 12, 2009 - *"Claim the Mayor position in the name of Jesus. I know about your fundraiser at the Marina I have planned to be in attendance."*
 To: Deyon Dean
 From: [citizen 2]

Mar. 31, 2009 - *"Just a quick note to say I wish you the best on the upcoming election."*
 To: Deyon Dean
 From: [employee 2]³⁰ Mr. Dean replied on April 8, 2009: *"Thank you!"*

Apr. 9, 2009 - Responding *"Thank you"* to a congratulatory email from [citizen 3].
 To: [citizen 3]
 From: Deyon Dean

May 19, 2009 - *"Invitation to [redacted's] meet & greet [as] the newly elected Mayor of Riverdale."*
 To: Recipients³¹
 From: [citizen 4]³²
 Bcc: Deyon Dean

²⁶ [Citizen 1] wrote on behalf of the Campaign Committee for Citizens for Deyon Dean.

²⁷ Other individuals were also sent this email.

²⁸ [wife] (also referred to as [wife]) is Mr. Dean's spouse.

²⁹ The attachment was entitled "Fundraising Letter to Friends and Family.doc."

³⁰ [Employee 2] is a DHS employee.

Aug. 26, 2009 - Re: "Your mayorship!" "So [p]roud to see what you did for the family
To: Deyon Dean that had that fire! Congratulations on making a difference."
From: [employee 3]³³

Mr. Dean replied on Aug. 27, 2009: "Thank you."

Aug. 25, 2009 - "... [Y]ou make us so proud. It is time for our leaders to take a stand
To: Deyon Dean against the prevailing police brutality and negligence in our community.
From: [citizen 5]³⁴ Obviously, you are not afraid to do so. I commend you for that, Mr.
Mayor."

On Aug. 26, 2009, Mr. Dean replied: "Thank you. . . ."

Oct. 15, 2010 - "It was a pleasure meeting you last night at the fund raiser [sic]. . . . I
From: [citizen 6] would love to talk with you to see how we could assi[s]t your efforts as
To: Deyon Dean Mayor of a developing township."

Aug. 12, 2011 - "[P]ut together any skin care products for r[a]ffle giveaways" for the
To: [wife] upcoming "Mayor Dean VIP end of summer bash" at the Riverdale
From: Deyon Dean Marina.

Aug. 25, 2011 - Indicating that there will be "Tribune execs" at an event who "could
To: Deyon Dean help raise cash for your political campaigns."
From: [citizen 7]

Mr. Dean repeatedly told investigators he tried his best to keep his mayoral duties separate from his DHS duties, that his mayoral duties had not impacted his State employment, and that he had not utilized State resources to perform his Riverdale mayoral duties. In his July 2010 interview, Mr. Dean explained that the Village of Riverdale gave him "all the things that [he] need[ed] to operate as . . . the Mayor," so he "would [not] have to use the State's stuff."

Mr. Dean recalled receiving annual ethics training for State employees. He recalled that the training informed him that State law forbids State employees from using their State email account for political reasons, but he acknowledged in his May 2012 interview that on one occasion he may have "made a mistake" by sending a political email to his wife from his State account.³⁵ When shown emails, including more than one email between him and his wife related to his mayoral campaign, Mr. Dean explained that he had told his wife on several occasions that it was inappropriate for her to send such emails to his State address, but she continued to send

³¹ This email was sent to undisclosed recipients.

³² [Redacted].

³³ [Redacted] was the former DHS Secretary.

³⁴ [Citizen 5] is now a Riverdale employee.

³⁵ It was unclear whether Mr. Dean was referring to the August 12, 2011 email exchange with his wife, noted above, that spoke of the "Mayor Dean VIP end of summer bash." It is notable in that exchange, Mr. Dean's wife wrote: "By the way, should you be sending this info from your state email account?" Mr. Dean responded: "You are right. Thanks."

them to him. Mr. Dean stated that, in fact, many people sent him political emails despite his instruction to them not to do so, and he continues to receive political emails “to this day.”³⁶

Mr. Dean was then shown an email dated October 5, 2010, from [employee 4]. The October 5 email, which stated in the subject line: “Election Activity Reminder” and was classified as having “high” importance, was sent to numerous DHS staff including Mr. Dean. It read, in its entirety:

*“As we are now a month away from the November election the campaigns are in the final phase and “overheating”. **Please remember you cannot conduct any election activity on state time or use a state computer or phone for any type of election activity.**”³⁷ In the event you receive election/campaign related emails, do not respond to the email, this includes forwarding the email to your personal email account or a personal email or state email of someone else. In addition, do not complete “online surveys” on state time or use your state computer to complete a survey. Do not use your desk or mobile phone for any discussion of the election nor should [you] ask the calle[r] to call you back on your personal phone while you are on state time. In addition to the above, advocacy groups or providers may ask you to pass information about candidate forums or candidate positions on the issues. Again, do not use your state computer to pass on that information or use your personal computer on state time to pass on that information no matter how innocent it may appear. And finally, if you choose to take part in election related activity, you cannot be on state time to do so and you cannot use your official DHS title in any of that work.”*

Mr. Dean was asked if he had read [employee 4’s] email. Mr. Dean responded that he did not recall the email, and added, “[employee 4] sends us so many emails.” However, Mr. Dean went on to clarify that regardless, he knew that it was improper for him to engage in political activity using State equipment and systems. He stated: “Let me, let me be clear. I know that it’s against the law for me” to conduct any election activity on State time or use the State computer or telephone for any type of election activity. He continued: “I know that there is an issue with me using, me sending emails out,” but he explained that as to the receipt of political emails, because he always distributes to individuals both his Riverdale and DHS business contact information simultaneously, he cannot control to which email address they correspond and send political content.”³⁸

When asked if he had any duty to clarify for others when he was acting in his DHS capacity and when he was acting in his mayoral capacity, Mr. Dean did not directly respond. He stated that he hands out both of his business cards without instruction or differentiation between the two positions, and he stated that because he “work[s] 24/7 on behalf of the State and the

³⁶ Those emails include political emails from “Obama for America” and the campaigns of Dan Proft, Ronald Lawless, Constance Howard, Carol Moseley Braun, and Toni Preckwinkle.

³⁷ Emphasis in original.

³⁸ When it was pointed out to Mr. Dean that dozens of political or campaign-related email newsletters and announcements he received on his State account between 2009 through 2011 included references to opt out provisions setting forth a manner in which to unsubscribe from subsequent emails, Mr. Dean acknowledged never unsubscribing from any of the emails.

Village of Riverdale,” individuals are always interested in both of his positions’ contact information.

In his May 2012 interview, Mr. Dean was shown an April 14, 2011 email that he had forwarded to a Riverdale employee. The content of the forwarded email consisted of a three-article newsletter with the lead story, “Are You With us [sic] for 2012?” The article promoted a President Barack Obama campaign event in Chicago. When asked if he was aware that even forwarding an email of this nature was improper, as stated in the [employee 4] 2010 email he had received less than about six months earlier, Mr. Dean stated, “Well, I wasn’t clear on that.”

2. Mr. Dean’s Use of His State Email Account to Conduct Mayoral Duties

Investigators discovered emails transmitted through Mr. Dean’s State email account relating to his Riverdale duties and responsibilities. Specifically, investigators discovered that since 2009, Mr. Dean forwarded to Riverdale officials numerous e-mails from his State email account, some with attached information that he received by virtue of his DHS position. Investigators were unable to locate any emails similarly forwarded to any other local government official other than those from Riverdale. When asked why he did not forward similar emails to other local government officials, Mr. Dean stated, “I don’t recall. Maybe I didn’t have the other people’s emails at the time,” and added that with regard to “all the other communities[,] I went to [them] in person” to relay that same information.

In addition, in 2009 and 2010, Mr. Dean received numerous emails addressed to “Mayor Dean.” Some of the emails were sent to both Mr. Dean’s State and Riverdale email accounts. In at least two instances, Mr. Dean signed the emails from his State email account as “Mayor Deyon L. Dean” or “Mayor Dean.”

In replying to certain emails received on his State email account, Mr. Dean would often direct the sender to his [redacted]³⁹ account or forward the email to his Riverdale email account himself. In other instances, he would direct Riverdale-related individuals to take action from his State account, adding: “Please do not reply to my email,” or “Do not reply to this email! Call me if you have any questions or wait until we [sic] see me.”

Mr. Dean was generally asked if he used his State email account for non-State related business. He responded, “I don’t recall, but I may have.” The following is a sampling of the emails found on Mr. Dean’s State computer that related to his Riverdale mayoral duties:

Feb. 6, 2009 - Stating in an email with the subject line: “FW: Can One Man Work
To: Deyon Dean Two Full-Time County Jobs?” that “[citizen 9]⁴¹ [is] being appointed
From: [citizen 8]⁴⁰ by Pres. Stroger? Hhmm.”

³⁹ Based on its investigation, investigators believe that Mr. Dean used his email account ending in “ymail.com” to conduct Riverdale business prior to securing his official Riverdale email account.

⁴⁰ [Redacted.]

⁴¹ [Redacted.]

Aug. 27, 2009 - *"Hi Mayor Dean (I'm still excited about your new title!). . . . I have attached my resume per your request. Thank you so much for your interest in assisting me if at all possible."*⁴²
 To: Deyon Dean
 From: [citizen 5]

Oct. 5, 2009 - *"Per our conversation regarding [e]valuations.⁴³ Please do not reply to this email. I will discuss with you in more detail later. Thanks."*
 To: Recipients⁴⁴
 From: Deyon Dean

Oct. 27, 2009 - Attaching a calendar invite meeting from 1:30 – 3:00 p.m. on Friday, Oct. 30, 2009, entitled *"Meeting with Mayor Deyon L.[.]Dean Riverdale."*
 To: Deyon Dean
 From: [citizen 10]⁴⁶

On Nov. 4, 2009, [citizen 10] wrote: *"Mayor Dean[.] . . . I enjoyed having lunch with you last Friday. You have the right vision to move Riverdale forward."*

Mr. Dean responded to [citizen 10] on Nov. 5, 2009, stating *"It was a pleasure meeting you also."*

Nov. 5, 2009 - Following the receipt of [citizen 10's] untitled Nov. 5 email to Mr. Dean's State account indicating that he wanted to set up another meeting, Mr. Dean forwarded an untitled email to two Riverdale employees stating *"Please schedule a meeting next week. Please do [sic] reply to my email. Thanks."*⁴⁸
 To: Recipients⁴⁷
 From: Deyon Dean

Nov. 24, 2009 - Mr. Dean Responded *"Yes. Thanks,"* to a Nov. 24, 2009 invitation to *"get[] a group of mayors together for [a] sports lunch."*
 To: [citizen 11]⁴⁹
 From: Deyon Dean

Mar. 19, 2010 - *"Mayor Dean, I would like to meet with you in Chicago to discuss [Riverdale employee 1's] February 22, 2010 letter regarding the Grainery site in Riverdale, IL."* Later in the email [citizen 12] proposes the meeting be *"either in Riverdale or downtown Chicago."*
 To: Deyon Dean
 From: [citizen 12]⁵⁰

Mr. Dean responded to [citizen 12]: *"All other emails please forward to [redacted]."*

Mar. 19, 2010 - Setting up a meeting with [citizen 13] for the following Tuesday and stating: *"[W]ill 10:30am work? Please reply to my [redacted] email. Thanks."*
 To: [citizen 13]⁵¹
 From: Deyon Dean

⁴² Two Riverdale employees were copied on this email.

⁴³ Attached to the email was [citizen 5's] resume. After this correspondence, [citizen 5] was subsequently hired by Mr. Dean as a Riverdale employee.

⁴⁴ Two Riverdale employees were sent this email.

⁴⁵ Attached to the email was a DHS evaluation form.

⁴⁶ [Citizen 10] is with [redacted], a Riverdale contractor.

⁴⁷ This was sent to two Riverdale employees.

⁴⁸ Attached to the email was a DHS email entitled "Mail."

⁴⁹ [Citizen 11] was with [redacted], a Riverdale contractor.

⁵⁰ [Citizen 12] was from the Illinois Bureau of Land.

⁵¹ [Citizen 13] formerly represented Riverdale as an attorney.

Mar. 31, 2010 - *"FYI: Please put out in color. Do not reply to this email. Thanks."*⁵³
To: Recipients⁵²
From: Deyon Dean

Apr. 5, 2010 - *"Please offer to community. Do not reply to this email. Thanks."*⁵⁵
To: Recipients⁵⁴
From: Deyon Dean

Apr. 7, 2011 - *"Please do not reply to this email. Just a FYI."*⁵⁷
To: Recipients⁵⁶
From: Deyon Dean

May 26, 2011 - *"Hello Mayor Dean. May I please meet with you at your earliest convenience?"*
To: Deyon Dean
From: [citizen 5]⁵⁸

Also, during the course of this investigation, investigators learned that on November 12, 2009, the *Southtown Star*, a Chicago area newspaper, published an article about a pine tree that had outgrown its owners' yard. The owners offered the tree "to a Southland municipality or organization for . . . display" as a holiday tree. The article indicated: "If you're interested in displaying the [redacted]'s giant tree, contact me at [redacted]@southtownstar.com." A review of Mr. Dean's State email account revealed that he sent an email dated November 12 (the same day the article appeared in the *Southtown Star*) at 1:22 p.m. (during Mr. Dean's workday) to [redacted]@southtownstar.com that stated as follows:

Nov. 12, 2009 - *"Riverdale is interested in the [redacted] Tree. We can [be] reached at
To : [redacted] [redacted] as[k] for [redacted]. Thank you."*
From: Deyon Dean

After being shown the above email, Mr. Dean was unable to recall it, but acknowledged that this email sent from his State email account was in relation to his Riverdale mayoral duties.

Investigators also discovered March 2010 emails Mr. Dean sent from his State email account in which he forwarded content of DHS emails to Riverdale Trustee [trustee]. In these emails, Mr. Dean directed [trustee] to take action "on my behalf," "per my office," or "from my office." Below is a summary of some DHS related emails Mr. Dean sent [trustee]:

Mar. 2, 2010 - *"Please draft letter on my behalf. Do not reply to this email! Call me if you have any questions or wait until we [sic] see me. Thanks."*⁵⁹

⁵² This was sent to two Riverdale employees.

⁵³ Attached was a DHS email announcing a work program.

⁵⁴ This was sent to two Riverdale employees.

⁵⁵ Attached was a DHS email announcing housing and job search resources.

⁵⁶ This was sent to two Riverdale employees.

⁵⁷ Attached was a DHS document regarding grant writing.

⁵⁸ See n. 34 and 43, *supra*.

⁵⁹ Attached was a DHS email related to summer youth employment.

Mar. 3, 2010 - *"FYI: Please do not reply to this email. Provide to community per my office."*⁶⁰

Mar. 3, 2010 - *"FYI: Please do not reply back. Forward to community per my office. Thanks."*

Mr. Dean forwarded this email again to [trustee], stating: *"Please put out from my office. Do not reply back to this email. Call [m]e if you have questions."*⁶¹

After being shown these emails during his May and June 2012 interviews, Mr. Dean was asked what he meant when he stated "per my office" in the email he sent to [trustee]. In response, Mr. Dean stated, "It could have been from DHS." He added, "I could have been speaking under DHS, you know, on behalf of DHS." Mr. Dean was asked if he was certain that when he said "per my office" he was not referring to his office as Mayor of Riverdale and in response stated, "I'm not for sure." Mr. Dean indicated that even though [trustee] was not a State employee, he believed these emails involved his DHS duties and responsibilities.

3. Mr. Dean's Access of His Riverdale Email

In addition to a review of his State email account, investigators reviewed emails transmitted through Mr. Dean's *Riverdale* email account. The review revealed that Mr. Dean sent emails from his Riverdale email account during his State workday.⁶² Mr. Dean generally represented that whenever he sent emails from his Riverdale account during his State workday, it would have been during his State break times. For instance, Mr. Dean was asked about a Thursday, October 14, 2010 email sent at 11:42 a.m., from his Riverdale account to [Riverdale employee 1], which appeared to be during his State workday. Mr. Dean stated, "well at that time, I may have, if I was in, if I was taking lunch or something like that, I may have had my . . . break, I don't know if it came from my iPod. I don't know . . ." Mr. Dean was also asked about a Tuesday, October 19, 2010 email sent from his Riverdale email account at 2:14 p.m. that asked for the recipient's telephone number. Mr. Dean stated: "[M]ost of the time if I sent anything from that, I was at lunch . . ." Asked about an October 25, 2010 email sent from his Riverdale email account at 10:40 a.m., Mr. Dean confirmed that the email too was sent during his break time. Mr. Dean explained: "I don't take breaks on, at the same time every day."

4. Mr. Dean's State Computer Internet Use

Investigators also reviewed Mr. Dean's internet logs from his State-issued laptop computer. A review of these records revealed that Mr. Dean's State user account ("DHSE129") accessed websites that are used primarily for entertainment or personal purposes,⁶³ including the following websites: [redacted], Facebook.com, Yahoo.com, Hotmail.com, as well as Clubs.Lifetimefitness.com. The records reviewed also revealed that Mr. Dean's State laptop was used to access www.villageofriverdale.org and www.jessejacksonjr2008.com.

At times, the access of these sites by Mr. Dean's user account was significant. For example, on July 6, 2011, Mr. Dean's internet usage logs revealed that his State-assigned

⁶⁰ Attached was a DHS email related to college scholarships.

⁶¹ Attached was a DHS email related to a youth program.

⁶² With some limited exceptions, the Village of Riverdale only produced Mr. Dean's incoming email.

⁶³ The OEIG was unable to analyze Mr. Dean's internet usage predating to mid-2011.

computer accessed entertainment news sites for approximately 3 hours, or about 40% of his 7.5-hour workday. Mr. Dean's July 6, 2011 usage revealed that the majority of his browser log retrievals were articles from Rollingout.com, an entertainment tabloid with celebrity-related articles and photographs.⁶⁴

After being asked in his May 2012 interview if he logged into the above-referenced websites, Mr. Dean stated that he recalled logging onto [redacted] but did not remember logging into jessejacksonjr2008.com. After being asked if he visited websites such as Black People Meet, cheaptickets.com, and villageofriverdale.org, Mr. Dean confirmed visiting "some of those sites before." He added that Rollingout.com had some youth related articles on it that pertained to his DHS responsibilities.

5. Mr. Dean's State Outlook Calendar Entries Did Not Accurately Detail His Whereabouts

As stated, Ms. Sambolin indicated that she instructed Mr. Dean to keep his State Outlook calendar current, and Mr. Dean acknowledged that instruction. When initially interviewed, Mr. Dean represented that his State Outlook calendar was a fairly accurate reflection of his whereabouts. In subsequent interviews, investigators asked Mr. Dean about certain discrepancies, at which point he said that his State Outlook calendar was "not always" correct.⁶⁵ Therefore, to verify the accuracy of Mr. Dean's calendar-keeping notations, investigators reviewed his State calendar from January 1, 2009 through August 31, 2011. Investigators observed that the calendar entries noted hours of travel and appointments away from the DHS building that did not coincide with any authorized Work Away forms or leave requests.

For example, on August 11, 2011, Mr. Dean's calendar noted him as being at an event at Navy Pier from 10:30 a.m. until 12:00 p.m. Yet, no work-away authorization was provided. As investigators were conducting surveillance of Mr. Dean on that day, they traveled to Navy Pier, but did not see Mr. Dean there. As another example, on September 24, 2009, Mr. Dean's State Outlook calendar noted him as being at a "Thornton Township Youth Comm. Breakfast Meeting" between 10:00 a.m. and 11:00 a.m. The September 22, 2009 Village of Riverdale meeting minutes characterize the same September 24, 2009 event as a "Breakfast with the Mayor" sponsored by "Mayor Dean's Smart Path Initiative," not as a youth committee meeting as Mr. Dean had noted on his Outlook Calendar. Mr. Dean did not receive any authorized leave from DHS, nor did he request leave time to attend this event on September 24, 2009.

⁶⁴ Among the Rollingout.com items retrieved by Mr. Dean's user account were articles and photographs of entertainers Oprah Winfrey, Jennifer Hudson, Eddie Murphy, and Kim Kardashian.

⁶⁵ On several occasions, Mr. Dean's calendar noted that he was at the DHS Blue Island office (which is about six miles from Mr. Dean's home). However, no Work Away forms could be located so investigators interviewed [employee 5], whose office is in Blue Island, IL, and is Mr. Dean's subordinate. [Employee 5] was asked about several dates that Mr. Dean's Outlook calendar reflected meetings having occurred between him and Mr. Dean in Blue Island. After reviewing his own calendar, [employee 5] was unable to confirm the meetings occurred, but explained that just because those dates were not penciled in on his calendar, did not mean that the meetings did not occur. [Employee 5] indicated that generally he and Mr. Dean have meetings approximately every other week, either at the Blue Island DHS office or a local restaurant. These meetings are usually in the afternoon, last the "majority of the afternoon," and tend to be held on Fridays.

Investigators also noted that Riverdale travel records and credit card receipts indicated that Mr. Dean sought reimbursement from Riverdale for a four-night stay in Springfield, IL beginning on Sunday, January 9, 2011, which encompassed three State workdays. Although Mr. Dean submitted a leave request to DHS for 7.5 hours of time off on Monday, January 10, 2011, his State attendance and payroll records report him as working two full days at the DHS office in Chicago on Tuesday, January 11 and Wednesday, January 12, 2011. No authorized Work Away form or leave request was completed for the two days Mr. Dean was in Springfield on Riverdale business, but he received pay from the State for working for the State in Chicago.

6. Mr. Dean's Telephone Use During His State Workday

Investigators analyzed telephone records related to telephone lines Mr. Dean used during his designated work hours (8:30 a.m. to 5:00 p.m., Monday through Friday).⁶⁶ In addition to his three State landlines, Mr. Dean used three cellular telephones during his workday, including:

- a personal cellular telephone: [redacted];
- a Riverdale-issued cellular telephone: [redacted]; and
- a State-issued cellular telephone: [redacted].

In the telephone record analysis, investigators discovered that Mr. Dean's personal cellular telephone usage from January 1, 2009, through August 10, 2011, reflected hundreds of calls made during his State workday.⁶⁷ Specifically, Mr. Dean used State time to talk on his *personal cellular* telephone for approximately 600 hours, including:

- over 220 hours in 2009;
- over 190 hours in 2010; and
- over 190 hours in 2011 (through August 10).⁶⁸

In addition to talking on his personal cellular telephone, from May 1, 2009, through August 5, 2011, Mr. Dean spent over 100 hours of State time talking on his *Riverdale-issued cellular* telephone over the same time period. Therefore, between Mr. Dean's personal and Riverdale cellular telephones, investigators discovered from January 2009, through August 2011, he spent over 700 hours of State time on these two non-State cellular telephones.⁶⁹ The approximately 700 hours is equivalent to more than 18 37.5-hour workweeks, which equates to about 15% of Mr. Dean's annual working hours.⁷⁰

⁶⁶ The OEIG accounted for Mr. Dean's time off and other excused absences from work.

⁶⁷ Ms. Sambolin said she never authorized Mr. Dean to conduct State business on his personal cellular telephone.

⁶⁸ Investigators only analyzed 2011 records from January 1 through August 10.

⁶⁹ The calculation is as follows: over 220 (personal cellular telephone hours in 2009) + over 190 (personal cellular telephone hours in 2010) + over 190 (personal cellular telephone hours in 2011) + over 100 (Riverdale cellular telephone hours 2009-11) = over 700; 700 (total hours) / 3 (years) = about 233 (hours per year).

⁷⁰ In 2009, Mr. Dean took the equivalent of approximately 70 (7.5-hour work days) of time off (paid and unpaid); in 2010, he took about 67 days; and in 2011 he took about 61.5 days. These totals average to approximately 66 days off per year. Based on these totals, investigators determined that Mr. Dean works

Telephone records reveal that Mr. Dean made numerous calls to senior-level Riverdale officers or entities that conduct business with Riverdale. For example, during workdays dating back to January 1, 2009, Mr. Dean made the following number of calls on either his personal or Riverdale cellular telephone to the noted individuals:

- over 365 calls to Riverdale Trustees;
- over 295 calls to the Riverdale Clerk;
- over 175 calls to the Riverdale Deputy Clerk;
- over 160 calls to the Riverdale spokesman;
- over 160 calls to the Riverdale Chief of Police; and
- over 75 calls to a Riverdale contractor.

Several Riverdale officials interviewed – including the Village Clerk, the Village Administrator (who also serves as the Mayor’s Executive Assistant), the Village Chief of Police, the Village Fire Chief, and the retired Public Works Director – also confirmed having at least some contact with Mr. Dean throughout his State workweek via email or telephone.

When asked about the telephone calls he made, Mr. Dean did not dispute having made or received calls to individuals associated with Riverdale. Mr. Dean was asked to explain the nature of the calls (made or received) to various Riverdale officials while on State time. Mr. Dean stated that he was not surprised to learn that he made hundreds of calls to Riverdale officials. He stated, “No it doesn’t [surprise me] because as I stated before, my community is like a small bedroom community. All of us we eat dinner together, travel together. We speak with one another and talk throughout the day at all times. And it’s not Village business. It could be about family trips, grandmothers, death, friends.”

Investigators specifically asked Mr. Dean if he spoke to [Riverdale employee 2] about Riverdale business and in response he stated that he and [Riverdale employee 2] are “very long time” friends, and that it did not surprise him to learn that he had made so many calls to him. Mr. Dean also stated that he and [Riverdale employee 2] talk on a regular basis and said they obviously “talk about some business but we talk about personal issues as well.” When interviewed, however, [Riverdale employee 2] informed investigators that he only has a professional relationship with Mr. Dean, and their calls primarily focus on crime, complaints by Riverdale residents, and Riverdale community events.

7. Mr. Dean’s Classification of his Calling Time as His “Break Time”

Throughout the investigation, Mr. Dean informed investigators that his calls (made or received) during his State workday were all placed during his break or lunch times. For example, when queried on this topic in May 2012, the following exchange took place:

OEIG Investigator: *Okay. So anytime you do any Riverdale business, you’re on a break?*

approximately 1455 hours per year, the equivalent of about 194 days per year. And, based on the telephone use calculations above (18 workweeks averaged over 3 years), Mr. Dean spends approximately 30 of those days per year on his personal cellular telephones. 30 days / 194 annual workdays equates to over 15% of his working time annually.

Mr. Dean: *Anytime I do that it's either lunch or a break.*
OEIG Investigator: *Right. And your lunch and breaks start at all different times every day?*
Mr. Dean: *I don't, I don't, you know it depends on – I've never been asked –*
OEIG Investigator: *Do they start at different times?*
Mr. Dean: *Yes they do.*
OEIG Investigator: *Okay. And who decides that? You do?*
Mr. Dean: *I decide it.*

Contrary to Mr. Dean's representations, investigators discovered that the calls made on Mr. Dean's personal or Riverdale cellular telephone were not limited to contiguous periods of time near to the midpoint or quarter-points of his workday. For instance, on July 27, 2011, Mr. Dean made over 65 calls on his personal cellular telephone totaling nearly four hours in calls throughout his 7.5-hour workday. On that day, Mr. Dean placed or received calls beginning at 8:38 a.m. and continuing, noncontiguously, throughout the day until approximately 4:58 p.m. By comparison, Mr. Dean placed or received only three calls on his State landline on July 27, 2011; those three calls totaled approximately two minutes.

Mr. Dean was also asked about April 14, 2011, a day on which he had taken four hours of approved leave from 1:00 to 5:00 p.m., but where telephone records revealed that he had participated in calls lasting almost an hour (from 8:25 a.m. to 9:14 a.m.) on his personal cellular telephone. The following exchange took place:

OEIG Investigator: *So was that a situation where in addition, despite leaving work from one to five, you also took your lunch?*
Mr. Dean: *You still get a lunch hour if you take - -.*
OEIG Investigator: *And you took it at 8:30 that day?*
Mr. Dean: *Yes.*

Mr. Dean was asked if he was aware that DHS policy requires employees to take lunch at the midpoint of the workday, and in response he stated, "I don't recall."

8. Mr. Dean's Riverdale Calendar Noted Appointments During His State Workday

Investigators analyzed Mr. Dean's Riverdale Outlook calendar, which revealed invitations to appointments scheduled during his State workday. The calendar invitations included both community events and one-on-one meetings with, among others, Riverdale constituents, lawyers, and contractors. When interviewed, Mr. Dean's Riverdale Executive Assistant indicated that she would simply add community events to Mr. Dean's Riverdale calendar as she learned of them, but she would first seek permission from Mr. Dean before adding any one-on-one meetings.

As to whether Mr. Dean attended any Riverdale events on State time, when queried by investigators, Ms. Sambolin indicated that she was aware that on September 14, 2009, Mr. Dean attended the Grand Opening of Aunt Martha's Health Center in South Holland, IL as Mayor of

Riverdale. A photograph from the event identifies Mr. Dean as Mayor of Riverdale, not as a DHS employee. Ms. Sambolin also indicated that Mr. Dean attended a conference sponsored by the Illinois Municipal League from September 24-26, 2009. Ms. Sambolin said she believed the conference was more relevant to Mr. Dean's mayoral duties. In fact, conference workshops included:

- "Congratulations, You've Been Elected, Now What do you Do?"; and
- "Roundtable Sessions for Municipal Officials."⁷¹

Ms. Sambolin stated that Mr. Dean did not submit any leave request from his State work to attend the September 2009 Illinois Municipal League conference.

9. Mr. Dean's Attendance at Weekly Riverdale Executive Staff Meetings During His State Workday

Investigators interviewed several Riverdale employees – including the Village Clerk, the Village Administrator (who also serves as the Mayor's Executive Assistant), the Village Chief of Police, the Village Fire Chief, and the Retired Public Works Director – and all confirmed Mr. Dean's attendance, which was usually by telephone, at the regularly held weekly Riverdale executive staff meetings. Documentation reviewed by investigators including telephone records, agendas, Outlook calendar invitations, and meeting minutes indicated that these meetings were generally held on Thursday mornings and usually began during the 8 o'clock hour. The meetings were attended by Riverdale staff and executive-level officials. Reports varied as to how long Mr. Dean would remain connected to the meetings via telephone, but everyone interviewed generally agreed that his attendance lasted approximately 20 minutes or more. Telephone records revealed that Mr. Dean connected to the meeting from his home telephone (for approximately 54% of the calls), his personal cellular telephone (for approximately 35% of the calls), or his Riverdale-issued cellular telephone (for approximately 11% of the calls).

Investigators discovered that from December 3, 2010, through December 15, 2011, Mr. Dean made approximately **40 telephone calls** into a teleconference service from which he would be connected to Riverdale executive staff meetings. When the duration of the calls was added, the total reflected approximately 27.5 hours of time occurring during Mr. Dean's State workday.

Of the 40 telephone calls, multiple calls lasted over an hour. For example, Mr. Dean called into the meetings from his home telephone on December 3, 2010, April 28, 2011, and August 25, 2011, and each call lasted longer than an hour; one call lasted closer to two hours.

The telephone records denoting the calls were often times supported by other evidence documenting the meeting, including calendar invites and meeting minutes. For example, on March 3, 2011, Mr. Dean's Riverdale Outlook calendar included an invitation to the March 3 meeting that was scheduled from 8:15 to 10:15 a.m. The invitation provided a call-in access code. Telephone records revealed Mr. Dean called the conference number from his Riverdale

⁷¹ Mr. Dean told investigators in his July 2010 interview that he never attended the conference as Mayor of Riverdale during the daytime, but did so in the evenings.

cellular telephone⁷² and participated in the call from 8:33 a.m. to 9:42 a.m. (approximately one hour and twenty-five minutes). That same afternoon, the Riverdale Administrator sent Mr. Dean and others minutes from that day's meeting reflecting that Mr. Dean participated in the call. In his interview with investigators, Mr. Dean did not dispute that he made the call that day or that it pertained to Riverdale business. Mr. Dean stated: "Unless I took some time off. I don't know." Mr. Dean continued, "I may have taken an early lunch and taken time or didn't take my lunch on that day" Asked if he was, in fact, stating that he took his lunch at the start of his workday, Mr. Dean responded, "I may have taken an early lunch [that day] and didn't take an afternoon lunch."

As indicated, Mr. Dean made over 50% of the calls into the Riverdale executive staff meetings from his home telephone. Below is a summary of three of these calls and the additional evidence that support Mr. Dean's participation in them during his State workday, and analysis that investigators conducted to determine whether Mr. Dean was, as he said, conducting State work via telephone in the time period following the Riverdale calls:

Riverdale Executive Staff Meeting Call of January 14, 2011

Mr. Dean's Riverdale Outlook calendar included an invitation to a Riverdale executive staff meeting held on January 14, 2011, from 8:15 to 10:30 a.m. The invitation provided a call-in access code. Mr. Dean also received at his Riverdale email account an agenda for the meeting at which he was scheduled to speak first about Riverdale business, followed by other Riverdale officials. Mr. Dean used his home telephone to call in and participated in the meeting from 8:49 to 9:34 a.m. In the 45 minute period following Mr. Dean's participation, the approximate time that it would have taken Mr. Dean to drive to the DHS building after having completed the call from his home telephone,⁷³ Mr. Dean made the following five calls from his personal cellular telephone:

- two telephone calls with Riverdale officials;
- one telephone call with his wife; and
- two telephone calls with a non-State employee who is not known to have any connection to Mr. Dean's State employment.

Riverdale Executive Staff Meeting Call of April 28, 2011

Mr. Dean's Riverdale Outlook calendar included an invitation to a Riverdale Executive Staff meeting held on April 28, 2011 from 8:15 to 10:15 a.m. The invitation provided the call-in access code. Mr. Dean also received at his Riverdale email account an agenda for the meeting at which he was scheduled to speak first about Riverdale business, followed by other Riverdale officials. Mr. Dean used his home telephone to call in and participated in the meeting from 8:21 to 9:33 a.m. During his interview with investigators, Mr. Dean confirmed his attendance at the April 28, 2011 meeting, and

⁷² Investigators were unable to determine the exact physical location from which Mr. Dean placed the telephone call, whether from his home, in his vehicle, or at the DHS building.

⁷³ Both Mr. Dean and a test drive by an OEIG investigator confirmed that it takes at least 30 minutes – and more likely 45-50 minutes – to travel between Mr. Dean's residence and the DHS building.

further confirmed that this telephone call was not related to his State duties, but his Riverdale duties. Additionally, in the 45 minute period following the call, Mr. Dean used his personal cellular telephone to make three calls and his State cellular telephone to make a single one-minute call. Of his personal cellular telephone calls:

- one call was with a Riverdale official;
- one call with non-State employees who are not known to have any connection with Mr. Dean's State employment; and
- one call was with an individual that the OEIG could not identify.

Riverdale Executive Staff Meeting Call of May 5, 2011

Mr. Dean's Riverdale Outlook calendar included an invitation to a Riverdale Executive Staff meeting to be held on May 5, 2011 from 8:15 to 10:15 a.m. The invitation provided the call-in access code. Mr. Dean also received at his Riverdale email account an agenda for the meeting at which he was scheduled to speak first about Riverdale business, followed by other Riverdale officials. Mr. Dean used his home telephone to call in from 8:26 to 9:16 a.m. In the 45 minute time-period following the end of the call, Mr. Dean used his personal cellular telephone to make:

- four calls with Riverdale officials; and
- one call with a non-State employee who is not known to have any connection with Mr. Dean's State employment.

C. Investigation Related to Mr. Dean's Employment as Mayor/Conflict of Interest

1. DHS Policies Regarding Conflicts of Interests and Secondary Employment

The DHS Employee Handbook contains a section relating to "Employee Personal Conduct," which includes a subheading entitled "Conflicts of Interest." The "Conflicts of Interest" subheading discusses "Secondary Employment." The Employee Handbook also states: "Conflicts of interest that involve personal business and employment with DHS must be avoided." Specifically, outside employment will be prohibited if it "create[s] an actual or apparent conflict of interest or interfere[s] with regular work duties."

According to DHS policy, where a conflict of interest is created by secondary employment, employees are required to submit a Report of Secondary Employment form no later than *five* working days after commencing secondary employment. The Report of Secondary Employment form is reviewed by the employee's supervisor, who determines if a conflict or potential conflict exists. The immediate supervisor must make his or her determination *within five days* of receipt of the report. After the employee's immediate supervisor makes his or her determination, the Secondary Employment form is reviewed by the Director of the Office of Human Resources and the DHS Office of General Counsel. DHS policy regarding secondary employment then states: "If the DHS Office of the General Counsel determines that there is an actual or apparent conflict of interest, the employee must terminate the outside employment or terminate employment with DHS."

2. The Times of Northwest Indiana's April 25, 2010 News Article Entitled: "Riverdale mayor's state job under review"

On April 25, 2010, a news article entitled "Riverdale mayor's state job under review," appeared in the *Times of Northwest Indiana* newspaper.⁷⁴ The news article questioned how Deyon Dean could perform two apparent full-time jobs, his State position and his mayoral position, which at minimum required him to work at least 62.5 hours per week (37.5 for his State job and at least 25 for the mayoral position).

3. Mr. Dean's DHS Report of Secondary Employment Submission

On April 28, 2010, three days after the *Times of Northwest Indiana* news article appeared in the paper, Mr. Dean completed and submitted for the first time a DHS Report of Secondary Employment form ("Secondary Employment form"). On the report, below a typewritten statement that reads: "I, as a full-time employee, hereby report that I will begin or continue in the secondary employment as described below[.]" Mr. Dean submitted the following:

Name of Employer: "Deyon Dean"⁷⁵
Address: [Redacted]
Position (Title): "Mayor/Village President"
Work Schedule: "25 Hours Per Week"
Starting Date: "5/1/09"

Attached to Mr. Dean's submission was Riverdale Ordinance 2008-28 stating that the mayoral position "requires the individual so elected to spend a minimum of between 25 and 40 hours per week to properly perform the duties" of the office.

On the bottom portion of the Secondary Employment form, below where Mr. Dean filled out the information noted above, is a section reserved for the supervisor's review. It contains a typewritten statement reading "Supervisor's recommendation – No Conflict/Potential Conflict (Circle One)" and a line for the supervisor's signature. On May 25, 2010, Ms. Sambolin signed the supervisor's section of the form and circled the words "Potential Conflict."

On May 27, 2010, below Ms. Sambolin's signature, [employee 6], DHS Deputy General Counsel and then Ethics Officer, made the following handwritten notation:

"Ethics Officer Review: A conflict of interest exists between the positions of Associate Director of Community Support Services and the Mayor of Riverdale. [Employee 6] 5/27/10."

⁷⁴ The news article is available at: http://www.nwitimes.com/news/local/illinois/article_bde8c8ff-7a91-5a07-a3ba-e19e83a7f62a.html (last viewed June 9, 2012).

⁷⁵ Although Mr. Dean identified himself as the employer, his employer is actually the Village of Riverdale.

4. Interview of DHS Officials Regarding the Conflict of Interest with Mr. Dean's Secondary Employment

Ms. Sambolin was asked if she was aware of Mr. Dean's outside political employment as Mayor of Riverdale, and she said that she was, but she was unaware he was required to fill out a Secondary Employment form until sometime in 2010, when she was so informed. Ms. Sambolin recalled receiving the form and concluding that it was a conflict of interest for Mr. Dean to maintain both his mayoral and DHS positions because, in her view, it would be difficult to distinguish when he was representing Riverdale versus when he was representing the State. Ms. Sambolin confirmed completing and submitting the bottom portion of the April 28, 2010 Secondary Employment form, and presenting the form to then Ethics Officer [employee 6]⁷⁶ Ms. Sambolin felt that once she provided [employee 6] with her conflict determination, her (Ms. Sambolin's) role in the decision-making process was complete.

Investigators interviewed DHS Deputy General Counsel [employee 6], who (on May 27, 2010) had made a written determination as Ethics Officer that there was a conflict of interest with Mr. Dean's secondary employment. [Employee 6] said she concluded that a conflict existed because Mr. Dean had the authority to make expenditures within the State that could potentially be directed to Riverdale. [Employee 6] informed investigators that her concerns with Mr. Dean's secondary employment also included the following:

- the number of hours the Village of Riverdale required its mayor to work;
- the possibility that Mr. Dean could be conducting Riverdale work on State time; and
- Mr. Dean's responsibility as Associate Director to make recommendations about providers in various communities, including Riverdale, to the CHP Director.

[Employee 6] also concluded that there would be no conflict were Mr. Dean to be moved into another role within DHS, such as one that oversaw DHS's Teen REACH program, a position that Mr. Dean had previously held. [Employee 6] stated she drafted a letter that Mr. Dean was to sign stating he would accept the position in Teen REACH, recuse himself from any matters concerning Riverdale, and not conduct any Riverdale business on State time using State resources.

[Employee 6] recalls providing her conflict determination to Ms. Sambolin, believing that Mr. Dean would be placed in the Teen REACH position. [Employee 6] stated she sent an email on August 5, 2010 to DHS staff to follow-up and asked whether Mr. Dean had been transferred. However, she never received a response to her question, and no one requested that she take any further action. [Employee 6] added that she was not sure what ever happened to the letter she drafted for Mr. Dean to sign stating he would take the position in Teen REACH.

Investigators also interviewed [employee 7]. [Employee 7] indicated that she was informed of the conflict determination as it related to Mr. Dean in late May or early June 2010, and recalled devising an action plan aimed at eliminating Mr. Dean's conflict of interest. The plan included reassigning Mr. Dean to the Teen REACH position. [Employee 7] indicated that

⁷⁶ Ms. Sambolin recalled that someone at DHS, whose name she could not recall, told her that because Mr. Dean won a nonpartisan election, there was no conflict.

she was informed that Ms. Sambolin had met with Mr. Dean wherein Mr. Dean was informed that because of the conflict of interest, he would be moved to the Teen REACH position. According to [employee 7], after the meeting between Ms. Sambolin and Mr. Dean, Mr. Dean asked to meet with her ([employee 7]). [Employee 7] stated that she informed Mr. Dean that moving him to the Teen REACH position was DHS's way of addressing the conflict that existed between Mr. Dean's DHS and Riverdale positions. According to [employee 7], during the meeting Mr. Dean told her that:

- he viewed the reassignment to the Teen REACH position as a demotion; and
- as an elected official, he had constituents to think about and that a demotion like the one DHS was proposing would be damaging to his reputation.

In addition, according to [employee 7], during the meeting, Mr. Dean informed [employee 7] that if DHS chose to move forward with the demotion, he would have no choice but to sue the agency for defamation of character.

[Employee 7] also said that after meeting with Mr. Dean, she discussed the conflict of interest issue with a high ranking official at the Office of the Governor and opted to follow his advice, which included addressing the conflict by monitoring Mr. Dean, ensuring that he recuse himself on any funding issues related to Riverdale providers, and disciplining him when necessary.⁷⁷

5. Interviews with Mr. Dean Regarding the Existence of a Conflict of Interest with His Secondary Employment

Mr. Dean informed investigators that he did not recall telling Ms. Sambolin about his political aspirations prior to running for Mayor of Riverdale, but he recalled speaking with a former Chief of Staff for the Governor⁷⁸ regarding whether there would be any issues running for office as a State employee. According to Mr. Dean, the then Chief of Staff saw no issues so long as Mr. Dean completed the appropriate ethics forms.

During his May 18, 2012 interview, Mr. Dean was asked about the conflict of interest issue between his DHS and Mayor of Riverdale jobs. The following exchange took place:

OEIG Investigator: *Okay. Did anybody ever talk to you about the fact that, ah there would be, there was a conflict of interest between your duties as Mayor of Riverdale and your position as the Associate Director of Community Relations?*

Mr. Dean: *Community ah, yeah, Community Prevention, Help and Prevention. It's changed now to DFS, DF --.*

OEIG Investigator: *Did anybody ever tell you that?*

Mr. Dean: *No.*

⁷⁷ [Employee 7] confirmed that Mr. Dean had not been involved with any funding determinations pertaining to Riverdale service providers since becoming Mayor of Riverdale.

⁷⁸ The Chief of Staff served during the administration of former Governor Rod Blagojevich.

Mr. Dean also stated that after he submitted his April 28, 2010 Secondary Employment form, he never knew what, if anything, was done or written on the form.⁷⁹

In his final interview⁸⁰ with investigators Mr. Dean confirmed having met with Ms. Sambolin and [employee 7]. Mr. Dean said he was never told that DHS wanted to move him into the Teen REACH position because of a conflict of interest. Rather, Mr. Dean stated that he was asked if he was capable of performing his duties and if not, one of the options was to move him to the Teen REACH position. Mr. Dean said he informed Ms. Sambolin and [employee 7] that he did not believe anything had affected his Associate Director duties and confirmed that he told them he would consider the move to the Teen REACH position a demotion. Mr. Dean was unable to recall if he told [employee 7] that as an elected official he had constituents to think about, but he did not deny possibly making this statement and recalled expressing a similar idea. In any event, Mr. Dean denied stating to [employee 7] or anyone else that if he was moved to the Teen REACH position he would sue for defamation of character.

V. INVESTIGATION RELATING TO IVONNE SAMBOLIN

A. Investigation Relating to Ms. Sambolin's Work Hours⁸¹

DHS employees interviewed by the OEIG also informed investigators that Ms. Sambolin arrived late and departed early. Thus, as part of this investigation, and because surveillance was being conducted on Mr. Dean, investigators also noted the arrival and departure times of Ms. Sambolin.⁸² Over an eight-day period of surveillance, Ms. Sambolin was seen arriving after her designated start time or departing prior to her designated end time at least once during each surveillance day. On four of the eight days, she both arrived late and departed early.

B. Interview Relating to Ms. Sambolin's Arrival and Departure Times

Ms. Sambolin was advised that she was seen arriving late and leaving early from her worksite on several occasions in 2011. In response, Ms. Sambolin reviewed these dates on her State Outlook calendar, which listed her appointments, and indicated that she often attended offsite meetings or teleconferences, which would occasionally cause her to arrive at her office location after 8:30 a.m., but she always began her workday at 8:30 a.m. regardless of when she physically arrived at work. Ms. Sambolin stated that her late arrivals on the dates identified were

⁷⁹ Mr. Dean was directed to the section of the Employee Handbook entitled Secondary Employment, which states that if the DHS Office of General Counsel determines that there is an actual or apparent conflict of interest, the employee must terminate the outside employment or terminate employment with DHS. Mr. Dean was asked if, in light of the conflict finding, he intended to comply with the provision and either resign his DHS position or his mayoral position; in response, he stated, "It's no. Because, I mean, the reason why . . . [is that] I know of other [m]ayors in the same position that I am in, in other sections of the State. That if I'm to resign, why wouldn't other [m]ayors that work for the State of Illinois have to resign?"

⁸⁰ Mr. Dean's final interview occurred on June 25, 2012.

⁸¹ The OEIG investigation relating to Ms. Sambolin's supervision of Mr. Dean is set forth at: IV(A)(2), *supra*.

⁸² Until October 28, 2011, Ms. Sambolin's State schedule was 8:30 a.m. to 5:00 p.m., with an hour meal break. On October 28, 2011, her State schedule changed to 9:00 a.m. to 5:00 p.m. with a 30-minute meal break. OEIG investigators accounted for the schedule change during their surveillance.

most likely due to attending a meeting prior to arriving at the worksite. As to early departures, Ms. Sambolin stated that she never took her two daily 15-minute breaks, and often did not take her daily meal break either, and therefore she would occasionally leave early with the approval of her former supervisor. Ms. Sambolin stated that she is diligent about keeping her supervisor informed of her whereabouts and was certain she received permission to depart early. Ms. Sambolin stated that as a “double-exempt” employee, she regularly works weekends, early mornings, and late afternoons without additional compensation, so work schedule deviations must be evaluated in context.

Investigators presented Ms. Sambolin with unsigned versions of her monthly attendance records that were received from DHS, as well as the DHS policy that required her to sign and approve her monthly attendance records to ensure their accuracy. Ms. Sambolin acknowledged that her records were unsigned, even though they contained three signature lines, one for the employee, one for the employee’s supervisor, and one for the DHS timekeeper. Ms. Sambolin indicated that she heavily relied on the DHS timekeeper to accurately record time into the computer system and often did not verify the timekeeper’s entries.⁸³ Similarly, Ms. Sambolin stated that she would sign subordinates’ attendance records when they are placed on her desk for signature, but does not necessarily seek out employees to remind them that she has not signed their attendance records.

VI. ANALYSIS

A. Summary of Findings

This investigation revealed that throughout 2009, 2010, and 2011, Mr. Dean participated in Riverdale executive staff meetings during his State work hours, failed to adhere to his State hours, sent and received political emails from his State account, and used his personal cellular telephone during his workday. Through these activities and others, Mr. Dean wasted an astounding amount of State time and resources. What is equally astounding is the fact that Mr. Dean was made aware of the OEIG’s investigation into his use of State resources and performance of mayoral duties on State time beginning on July 28, 2010, when he participated in his first interview with investigators. Despite this knowledge, Mr. Dean continued to engage in misconduct through late 2011. In short, Mr. Dean’s misconduct can only be described as repeated and continuous. The OEIG has no reason to doubt that Mr. Dean’s misconduct may have continued well into 2012 and includes the following:

1) Mr. Dean misappropriated State time by:

⁸³ When asked whether the DHS timekeeper’s physical location within the office allows her to adequately monitor employees’ comings and goings to ensure more accurate timekeeping, Ms. Sambolin indicated that it did not, but said recently implemented measures (in 2012) – namely a sign-in/sign-out sheet – have assisted in more accurate monitoring of employees’ timekeeping. Ms. Sambolin advised that as Director she was not aware of any excessive tardiness by any employees, and accordingly never wrote up any employee for tardiness, including Mr. Dean.

- failing to report to work during his State hours *confirmed by* many DHS employees interviewed, his supervisor's emails questioning his whereabouts, and investigators' observations;
- excessively using his personal cellular telephone and Riverdale-related telephone on State time *confirmed by* telephone records;
- conducting Riverdale executive management meetings on State time *confirmed by* calendar invitations, meeting agendas and minutes, telephone records, and Mr. Dean; and
- taking unauthorized absences from the DHS building *confirmed by* telephone and timekeeping records.

2) Mr. Dean misappropriated State resources by:

- sending non-State email from his State email account *confirmed by* State email records and Mr. Dean;
- using his State computer to access non-State-related websites *confirmed by* State computer records and Mr. Dean; and
- using his State computer to engage in prohibited political activity *confirmed by* email records.

3) Mr. Dean failed to adhere to DHS recordkeeping policies by:

- failing to complete required leave slips and Work Away forms *confirmed by* calendar entries, email records, and DHS timekeeping records;
- not maintaining an accurate calendar *confirmed by* employees interviewed and email records; and
- not ensuring the accuracy of his attendance and payroll records *confirmed by* investigators' observations and telephone records.

The investigation also revealed that Mr. Dean's secondary employment as Mayor of Riverdale created a conflict of interest with his DHS job, and high-ranking DHS officials and employees had become aware of the conflict. Mr. Dean, however, was not required to terminate one of the two positions as mandated by DHS policy, when the conflict was documented on May 27, 2010; instead alternative measures were implemented that allowed Mr. Dean to remain in his DHS position. Throughout this time, Mr. Dean continued to engage in Riverdale-related, political activity, and ultimately failed to cooperate with this investigation by providing misleading and false responses to questions into his misconduct. This misconduct likely would not have been as extensive had Mr. Dean's supervisor adequately supervised him.

B. Mr. Dean Misappropriated State Time

Despite denying that he did not do any Riverdale work on State time, the investigation identified the following abuses of State time.

1. Mr. Dean Misappropriated State Time by Failing to Report to Work

Section III of the Employee Handbook requires employees to be on site at their work locations. It also commands employees to complete a written leave request “for all absences or requests for time off and submit it to the supervisor for action.”

The investigation revealed that on numerous occasions, investigators saw Mr. Dean arrive at his work site after his 8:30 a.m. start time. In addition, Mr. Dean also often departed his work site prior to his 5:00 p.m. end time. These arrivals and departures were also documented by his supervisor in emails and confirmed by Mr. Dean’s co-workers.

When confronted with this evidence, Mr. Dean stated that he was “always” working even if he was away from his work location, including that he would make work-related telephone calls while away from the DHS building. He also admitted to some late arrivals (in his words, “the tardiness has been there”) and early departures, but said he did so either as a matter of routine (i.e., every Thursday) or in lieu of a meal break. Mr. Dean acknowledged that he did not have any official permission to depart from his schedule on Thursdays, even though he always did it. As to compensating for a missed meal break, supervisory authorization is not an exception to the DHS policy that “[a]n employee may not shorten his or her work day or compensate for late arrival by working through meal periods or breaks.”

Accordingly, the allegation that Mr. Dean abused State time by repeatedly failing to report to work during his State hours in violation of Section III of the DHS Employee Handbook is **FOUNDED**.

2. Mr. Dean Misappropriated State Time By Conducting Riverdale Executive Meetings on State Time

The investigation established that Mr. Dean abused State time when he attended Riverdale executive meetings on State time approximately 40 times between December 3, 2010, and December 15, 2011. Telephone records indicate that Mr. Dean participated in these meetings by calling into the meetings from his personal cellular telephone, his Riverdale cellular telephone, or his home telephone.

Mr. Dean was unable to provide a reasonable explanation for these calls, and in fact, acknowledged his attendance at the meetings and the fact that the meetings related to Riverdale business and not DHS business.

Accordingly, the OEIG finds that the allegation that Mr. Dean violated the DHS Employee Handbook’s use of State time policy by conducting non-State business on State time, namely by participating, on approximately 40 occasions, in Village of Riverdale executive staff meetings in his capacity as Mayor of Riverdale is **FOUNDED**.

3. Mr. Dean Misappropriated State Time by Failing to Report His Unauthorized Absences Following Several Riverdale Executive Meetings

DHS policies state that late arrivals that exceed one hour are considered unauthorized, and “[w]hen tardiness becomes a problem the supervisor may both dock the employee’s pay and take disciplinary action.” The Supervisors’ Manual states:

“Each supervisor must inform his or her employees of the procedure to be used when an employee needs to report off work and/or for late arrival. When an employee reports to work late, the appropriate time is to be recorded for input in to the timekeeping system.”

The investigation revealed that on December 3, 2010, April 28, 2011, and August 25, 2011, Mr. Dean participated as Mayor of Riverdale in Riverdale executive meetings from his home telephone. Each call lasted over an hour. Thus, Mr. Dean could not have arrived at work within an hour of his start time, and that he approved monthly attendance records that did not denote any authorized absence on these dates was improper.

Accordingly, the OEIG concludes that the allegation that Mr. Dean engaged in misconduct in violation of DHS policy when he failed to denote his December 3, 2010 unauthorized absence from his State employment on his monthly attendance record is **FOUNDED**.

The OEIG also concludes that the allegation that Mr. Dean engaged in misconduct in violation of DHS policy when he failed to denote his April 28, 2011 unauthorized absence from his State employment on his monthly attendance record is **FOUNDED**.

Finally, the OEIG concludes that the allegation that Mr. Dean engaged in misconduct in violation of DHS policy when he failed to denote his August 25, 2011 unauthorized absence from his State employment on his monthly attendance record is **FOUNDED**.

4. Mr. Dean Misappropriated State Time Through Excessive Non-State Cellular Telephone Usage

a. *Mr. Dean Improperly Used His Personal Cellular Telephone on State Time*

DHS employees are prohibited from using personal communication equipment, including personal cellular telephones, during State time and at DHS work sites.⁸⁴ The investigation revealed that from January 1, 2009, to August 10, 2011, Mr. Dean engaged in over 600 hours of personal cellular telephone calls during his State workdays – an average of more than 200 hours per year. Even assuming, as Mr. Dean asserted, that some of these calls were during his authorized break times, the calls were not grouped in contiguous segments of time so as to support his claim. Further, Mr. Dean was provided a State cellular telephone and accordingly

⁸⁴ DHS employees are allowed to make personal calls during the State workday on State telephones if the call: (1) does not adversely affect the performance of official duties by the employee; (2) is of reasonable duration and frequency; and (3) could not have reasonably been made during non-work hours. See DHS Administrative Directive 01.02.03.030.

never obtained any authorization to conduct State work on his personal cellular telephone, so there can be no legitimate State-related explanation for the calls. In fact, the telephone records reveal hundreds of communications with persons affiliated with Riverdale government.

Accordingly, the OEIG finds that the allegation that Mr. Dean violated the DHS prohibition against using personal communication equipment during State time by repeatedly using his personal cellular telephone is **FOUNDED**.

b. Mr. Dean Improperly Used His Riverdale-Issued Cellular Telephone on State Time

In addition to talking on his personal cellular telephone, Mr. Dean spent over 100 hours from May 1, 2009 through August 5, 2011, talking on his Riverdale-issued cellular telephone on State time. These conversations included hundreds of calls with Riverdale-related governmental entities and individuals. Because none of the Riverdale Village officials were DHS grantees, Mr. Dean could not have been overseeing State business through his calls to Riverdale, nor was Mr. Dean able to establish any other connection between his Riverdale-related telephone usage and his State business. In fact, Mr. Dean claimed that the calls stemmed from his personal relationships with these individuals and did not relate to Riverdale business. Mr. Dean's explanation is not only contradicted by at least one Riverdale official, [Riverdale employee 2], but also immaterial, given that any use of the Riverdale-issued cellular telephone during his State hours violated the DHS Employee Handbook.

Accordingly, the OEIG finds that the allegation that Mr. Dean violated the DHS prohibition against using personal communication equipment during State time by repeatedly using a personal cellular telephone, namely his Riverdale issued telephone, is **FOUNDED**.

C. Mr. Dean Misappropriated State Resources

Like all State employees, Mr. Dean has a duty to use State resources only for their official purposes. This investigation exposed his failure to do so.

1. Mr. Dean Misappropriated State Resources by Sending and Receiving Non-State Email from His State Email Account

DHS policy limits the use of State email and computers to State business. Yet, since 2009, Mr. Dean has received dozens of emails from various political and entertainment sources on his State account, including emails sponsored by "Obama for America" and the campaigns of Dan Proft, Ronald Lawless, Constance Howard, Carol Moseley Braun, and Toni Preckwinkle, among others. He also received and responded to numerous emails supporting his own campaign for the Mayor of Riverdale and related to Riverdale business, including emails sent by his wife, siblings, and other persons affiliated with Mr. Dean's mayoral campaign.

When confronted with a sampling of the numerous newsletter-style emails – some promoting specific candidates and others promoting politically-related issues – and the emails related to his own campaign and apparent Riverdale-related business, Mr. Dean acknowledged

receipt of the emails, even if he claimed to have not read all of the emails, but asserted that he could not control what people sent to him. Regardless, Mr. Dean admitted never unsubscribing from any of the political email subscriptions, resulting in the receipt of numerous other political emails via his State account.

Mr. Dean's efforts to explain his conduct by stating that he "cannot control" what is sent to him does not answer the fact that he failed to differentiate for individuals when they should utilize his DHS contact information versus his Riverdale contact information. This explanation also fails to account for the fact that Mr. Dean forwarded at least one political campaign email and responded to some Riverdale-related emails, even signing some messages as "Mayor Dean." Mr. Dean also responded to the emails related to Riverdale-business and arranged appointments, calls, and gave directions to Riverdale-affiliated individuals through his State emails.

Accordingly, the allegation that Mr. Dean violated the DHS Employee Handbook by repeatedly transmitting and receiving hundreds of non-State-related emails through his State account is **FOUNDED**.

2. Mr. Dean Misappropriated His State Email for Prohibited Political Activity in Violation of the Ethics Act⁸⁵

The Ethics Act, 5 ILCS 430/5-15, prohibits State employees from engaging in political activity during State time and using State resources.⁸⁶ It states:

"State employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). State employees shall not intentionally misappropriate any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization."

Prohibited political activity includes: "[d]istributing, . . . or mailing campaign literature . . . or other campaign material on behalf of any candidate for elective office" and "[c]ampaigning for any elective office." 5 ILCS 430/1-5.

The OEIG identified numerous emails on Mr. Dean's computer from February 3, 2009, through August 25, 2011, that related to political activity. Many of the emails related to Mr. Dean's campaign for Mayor of Riverdale and promoted his mayoral campaign events. As recently as April 14, 2011, Mr. Dean forwarded an email relating to a political fundraiser to a Riverdale employee. This email was sent within months after he received an October 5, 2010 email from [employee 4] reminding him of his obligations.

Although Mr. Dean received more political emails than he sent, the prolonged pattern of continuous emails revealed that he did not take measures to discourage political emails to his

⁸⁵ The OEIG will not be referring this case to the Attorney General's Office with a recommendation to pursue prohibited political activity violations under the Ethics Act even though at least one email is within the statute of limitations.

⁸⁶ DHS Administrative Directive 01.02.03.010 also forbids the use of DHS equipment for political purposes.

State account. Many of these emails came from Mr. Dean's campaign staff, friends and family. In fact, Mr. Dean told OEIG investigators that he customarily distributed his Riverdale and DHS business cards together to those who might have a need to contact him, and he had never unsubscribed from any political email subscriptions.

Mr. Dean knew this behavior was wrong, not only because he took the annual ethics training for State employees that teaches the impropriety of engaging in politics on State time, and because he was reminded of that fact in the October 5, 2010 email from [employee 4], but because Mr. Dean stated that fact in his own words. Specifically, in an August 12, 2011 email exchange with his wife relating to a "Mayor Dean VIP end[-]of[-]summer bash,"

Ms. Dean asked Mr. Dean: *[S]hould you be sending this info[r]mation from your [S]tate e-mail?*

Mr. Dean responded: *You are right. Thanks.*

Accordingly, the OEIG finds that the allegation that Mr. Dean violated the Ethics Act and DHS policy by engaging in prohibited political activity when he misappropriated his State computer and email account to send or receive proscribed political emails is **FOUNDED**.

3. Mr. Dean Misappropriated State Resources by Using His State Computer to Access Websites that Did Not Pertain to State Business

The DHS Employee Handbook requires DHS employees to use State resources only for State business. The records show Mr. Dean accessed websites with no State-related business purpose, including accessing his Riverdale email. Mr. Dean did not dispute the majority of these browsing records.

Accordingly, the allegation that Mr. Dean violated DHS policy by repeatedly using his State computer for non-State business is **FOUNDED**.

D. Mr. Dean Failed to Adhere to DHS Recordkeeping Policies

1. Mr. Dean Failed to Complete Work Away Forms

DHS policy requires employees who engage in work-related activities away from the employee's designated DHS office to complete a Work Away form to account for any work not conducted at the DHS building. Authorized work-away time is then reflected in the employee's attendance and payroll records.

Hotel receipts submitted to Riverdale for reimbursement establish that Mr. Dean was in Springfield on two days in January 2011, yet his attendance records did not reflect his work-away status. Presuming that he worked these days as he claimed, he failed to complete the requisite Work Away forms to denote his location, the purpose, and the duration of his work.

Further, telephone records reveal that on several occasions – approximately 20 – he participated in Riverdale executive staff meetings from his home telephone on State time. Mr.

Dean did not deny these calls and even admitted that the Riverdale executive staff meetings related to non-State business. To counter the evidence, however, he represented that in the time following the meetings – including in the 30-50 minutes that it would have taken him to commute to the DHS building from his home following the call – he was engaged in State activity, namely making State-related telephone calls. The telephone records do not support Mr. Dean’s claim, but even if they had, for at least those time periods following each of the approximately 20 instances, Mr. Dean should have submitted a Work Away form to account for the State work away from his designated headquarters.

Accordingly, the OEIG concludes that the allegation that Mr. Dean failed to submit Work Away forms to account for time spent working away from his designated work location in violation of DHS policy is **FOUNDED**.

2. Mr. Dean Failed to Ensure the Accuracy of His Calendar

Mr. Dean acknowledged that his State Outlook calendar contained errors and did not always accurately reflect his whereabouts, despite his supervisor having directed him to maintain an accurate calendar. Emails to Mr. Dean from his supervisor confirm that she was not always aware of his whereabouts because of these inaccuracies. These instances were not isolated, inadvertent errors. The investigation revealed a pattern of systematic inconsistencies. In fact, in at least one instance, the OEIG noted that Mr. Dean’s calendar provided a description of an event that clearly appeared to have masked the fact that it was really a Riverdale-related “Breakfast with the Mayor” event, rather than just a “Thornton Township Youth Comm. Breakfast Meeting” as noted on Mr. Dean’s calendar on September 24, 2009.⁸⁷

Accordingly, the allegation that Mr. Dean violated a directive of his supervisor by failing to keep his State calendar accurate is **FOUNDED**.

3. Mr. Dean Authorized False Monthly Attendance Records

Mr. Dean was obligated to review and ensure the accuracy of his monthly attendance records. He failed to do so, and therefore, caused the State to pay him for time that he was not, in fact, performing work for the State. He failed to do so on the approximately 20 instances where telephone records reveal that he was calling into Riverdale executive staff meetings from his home telephone; in the time periods following the calls when he was supposedly commuting into the DHS building; on January 11-12, 2011, when hotel receipts placed him in Springfield and not in Chicago; on Thursdays when he admittedly adhered to an alternative schedule; on each of the approximately twelve instances when investigators observed him arrive late or leave early from work; and in each instance when he arrived late or left early in lieu of taking a meal break.

⁸⁷ Similarly, on August 11, 2011, the OEIG was unable to locate Mr. Dean during surveillance efforts. One reason for the difficulty was that at times, Mr. Dean’s State Outlook calendar listed him as both being in Springfield and at a fitness program sponsored by the governor. Given that OEIG investigators discovered that the fitness program is an online initiative in existence since 2001, with no apparent live events, and the OEIG was unable to locate any online reference to any live event, Mr. Dean’s notation that he was attending a related event appeared deceptive.

Accordingly, the OEIG concludes that the allegation that Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages for time he spent participating in Riverdale executive staff meetings from home, and therefore was not engaged in State business at that time and not entitled to receive State wages, is **FOUNDED**.

The OEIG also concludes that the allegation that Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages for time he spent commuting to the DHS building following Riverdale executive staff meetings that he participated in from home, and therefore was not engaged in State business at that time and not entitled to receive State wages, is **FOUNDED**.

The OEIG also concludes that the allegation that Mr. Dean violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages for time he spent in Springfield, IL on January 11 and 12, 2011, when his attendance records indicated that he was working in Chicago, IL, is **FOUNDED**.

The OEIG also concludes that the allegation that Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages even though he does not report to work in a timely manner on Thursdays, is **FOUNDED**.

The OEIG also concludes that the allegation that Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages even though in approximately twelve instances investigators did not locate Mr. Dean at the DHS building where his attendance records reported him as working, is **FOUNDED**.

Finally, the OEIG concludes that the allegation that Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages each time he left work early in lieu of taking a midday meal break despite his attendance records having reported him as working, is **FOUNDED**.

E. Mr. Dean's Secondary Employment Created a Conflict of Interest

Section V of the Employee Handbook states: "Conflicts of interest that involve personal business and employment with DHS must be avoided." Specifically, outside employment will be prohibited if it "create[s] an actual or apparent conflict of interest or interfere[s] with regular work duties." Further, "[i]f the DHS Office of the General Counsel determines that there is an actual or apparent conflict of interest, the employee must terminate the outside employment or terminate employment with DHS."

On May 27, 2010, then Ethics Officer [employee 6] determined that there was a conflict of interest with Mr. Dean serving as Mayor of Riverdale and Associate Director of Community Health and Prevention. She based her conclusion, in part, on the amount of time (hours) the

Village of Riverdale mayoral job required, and the possibility that Mr. Dean could be conducting Riverdale work on State time.

Mr. Dean states that no one at DHS ever told him that a conflict of interest existed between his position as Mayor of Riverdale and his DHS job. But that conflict existed with or without [employee 6's] determination – as revealed in this investigation. It was clear that his Riverdale business was interfering with his DHS duties by the fact that he was conducting Riverdale business on State time and engaging in politics (including promoting his mayoral campaign) from his State email account. In the presence of this conflict of interest with his DHS position, which no one needed to tell him about, the DHS Employee Handbook commands that Mr. Dean was obligated to terminate one of the two conflicting positions. Not only has he not resigned one of the positions, but he stated definitively to investigators that he would not resign either position. In other words, Mr. Dean informed investigators that he did not intend to comply with DHS's conflict of interest policy.

The investigation revealed that this conflict did not escape the highest levels of review at DHS. Evidence supports [employee 6's] representation that she informed [employee 7] of the conflict of interest, and [employee 7] acted on this information, by meeting with Mr. Dean to discuss the conflict. In that meeting, she proposed reassigning Mr. Dean to the Teen REACH position. Mr. Dean confirmed meeting with [employee 7] and informed investigators that he believed the reassignment would be a demotion. In reaction to his opposition to the reassignment, [employee 7] recalls that Mr. Dean threatened to sue for defamation of character. [employee 7] ultimately acted on alternative measures. Although Mr. Dean denies making any threat, the OEIG finds that his assertion is unsupported by the weight of the evidence in light of [employee 7's] recollection and the fact that it explains DHS's subsequent action, namely that Mr. Dean was not reassigned. [Employee 7] agreed that Mr. Dean could stay in his Associate Director position, as long as he recused himself from decisions on financial matters that affected Riverdale, that his supervisor monitor his behavior, and that he be subject to discipline where appropriate.

Regardless of whether the alternative measures were motivated by Mr. Dean's threat to sue, the alternative proposal offered by [employee 7] did not address the conflict of interest because it did not account for the fact that Mr. Dean might devote State time to his Riverdale mayoral job, which investigators discovered he did.

Again, in Mr. Dean's own words, he works "24/7" at both of his jobs. Mr. Dean also admitted to providing both his Riverdale and DHS business cards to individuals without regard to which business he is engaged in, presumably because he performs both jobs at the same time. Although Mr. Dean dismissed the idea that he had any responsibility to clarify for anyone the difference between his State and Riverdale positions, the numerous emails he received on his State computer reveal that he did use State resources and time to perform at least his Riverdale job on State time. In addition, despite reporting on his Secondary Employment form that his Riverdale duties would only occupy 25 hours of time per week, the investigation reveals that much of that work was conducted on State time.

Perhaps the most telling statement of Mr. Dean's commitment to continue performing his Associate Director position and Riverdale mayoral job is that Mr. Dean so valued his elected position and his constituents, that he placed his mayoral job as well as his personal and political interests above DHS's efforts to resolve the conflict of interest issue, as evidenced by his threat to sue if he was transferred because such transfer would "defame his character" in the eyes of his constituents. Simply, Mr. Dean cannot be trusted to dedicate State time to State business, as he was given the opportunity to do so and breached his obligation. Without question, the conflict of interest between Mr. Dean's DHS and Riverdale positions is persistent and ongoing, and to allow Mr. Dean to maintain both positions simultaneously only guarantees further abuse of State time and resources.⁸⁸

Accordingly, the allegation that Mr. Dean violated DHS's conflict of interest policy by holding secondary employment with Riverdale at the same time as his DHS employment and engaging in Riverdale business on State time, is **FOUNDED**.

F. Mr. Dean Failed to Cooperate with the OEIG

During his July 28, 2010 interview, Mr. Dean generally denied doing any Riverdale work on State time or using any State equipment, including email, telephone, or any other State resource to conduct any non-State work. Mr. Dean emphasized that he kept his Riverdale work and State work separate but this investigation reveals otherwise. The OEIG finds that Mr. Dean made repeated, unsubstantiated denials in the face of overwhelming evidence presented to him.

Mr. Dean's numerous false statements caused the OEIG to expend additional time and resources reviewing telephone records and conducting surveillance in order to determine the extent of Mr. Dean's wrongdoing despite the fact that Mr. Dean had been interviewed regarding his mayoral duties in mid-2010 and early 2011.

In addition to his overall general misrepresentations about his wrongdoing, the OEIG finds that Mr. Dean made knowing false statements to the OEIG including:

- During his May and June 2012 interviews, Mr. Dean stated that no one from DHS informed him of the conflict of interest between his duties as Mayor of Riverdale and his DHS position. [Employee 7's] statement refutes Mr. Dean's statement. [Employee 7] recalls at least one meeting with him during which she addressed his conflict of interest. Accordingly, the OEIG finds that the allegation that Mr. Dean failed to cooperate in violation of the Ethics Act and DHS policy when he made the false statement to investigators that no one from DHS informed him of the conflict of interest between his duties as Mayor of Riverdale and his DHS position is **FOUNDED**.

⁸⁸ Additionally, the OEIG notes that there is an apparent, if not actual, conflict of interest concerning Thornton Township. The Thornton Township Youth Committee for which Mr. Dean serves as a Commissioner receives DHS grant funds and provides services in Riverdale. It has been operating out of a Riverdale location since 2001, and Mr. Dean not only oversees the community in which the grant recipient is located, but he also hosts official Riverdale community events at the Thornton Township Community buildings.

- In his June 2012 interview, Mr. Dean denied ever threatening to sue for defamation of character if he were to be removed from his Associate Director role. [Employee 7's] statement refutes Mr. Dean's statement. [Employee 7] confirmed that Mr. Dean threatened to sue and that after his threat, she adopted a revised monitoring plan to address the conflict to interest. Accordingly, the OEIG finds that the allegation that Mr. Dean failed to cooperate in violation of the Ethics Act and DHS policy when he made the false statement to investigators that he never threatened to sue for defamation of character if he were to be removed from his Associate Director role is **FOUNDED**.

G. Ms. Sambolin Did Not Effectively Supervise Mr. Dean and Did Not Adhere to Her State Work Hours

1. Ms. Sambolin Did Not Effectively Supervise Mr. Dean by Identifying Violations of DHS Policies and Enforcing Appropriate Disciplinary Measures

Ms. Sambolin, Mr. Dean's immediate supervisor, had a duty to supervise Mr. Dean. This duty included knowing his whereabouts and making certain he adhered to DHS policies including reporting to his work location on time. In fact, Ms. Sambolin informed investigators that she had noticed Mr. Dean's failure to report to work during his State hours and his absences throughout the day. In response, she asked him to keep his calendar accurate and to fill out the requisite recordkeeping forms, including Work Away forms to account for his whereabouts. Ms. Sambolin also said she spoke to Mr. Dean about his absences on multiple occasions and produced emails she sent Mr. Dean dated April 15 to October 7, 2011 regarding this subject.

DHS policy, however, does not just provide for supervisors to talk to their subordinates about unauthorized behavior; it provides that supervisors may discipline employees, up to and including discharge, when they fail to adhere to DHS policies. Ms. Sambolin's statements to the OEIG and emails from her to Mr. Dean support the notion that Ms. Sambolin did not always know where Mr. Dean was, but she did not discipline him beyond possibly counseling. Ms. Sambolin once in an email threatened to discipline Mr. Dean, but she acknowledged that the discipline was never implemented, and Mr. Dean's personnel record reflects no disciplinary measures in this regard. Based on the conflict of interest identified in May 2010, [employee 7] instructed that Mr. Dean was to be monitored and disciplined when appropriate. Discipline was appropriate, and Ms. Sambolin failed to implement it.

Ms. Sambolin's lack of discipline effectively condoned Mr. Dean's misconduct and provided him the opportunity to act without being held accountable.⁸⁹ She even admitted to letting him leave early on multiple occasions in lieu of taking a meal break. The DHS Employee Handbook expressly forbids early departures without written authorized leave, and forbids employees from leaving early in lieu of taking breaks or skipping mealtime. Ms. Sambolin's

⁸⁹ Ms. Sambolin told OEIG investigators that she always required Mr. Dean to complete a Work Away form or leave form if she noticed him absent, but the DHS files provided to the OEIG do not include written authorization to account for all of Mr. Dean's absences.

efforts were wholly insufficient to address Mr. Dean misconduct, evidenced by the fact that his misconduct continued for years.

Accordingly, the allegation that Ms. Sambolin failed to adequately supervise Mr. Dean by failing to rectify violations of DHS policies regarding unauthorized absences and imposing appropriate disciplinary measures against Mr. Dean is **FOUNDED**.

2. Ms. Sambolin Failed to Adhere to Her State Work Hours

One of the issues that the OEIG concludes contributed to Ms. Sambolin's failure to observe Mr. Dean's misuse of State time and resources was that, like Mr. Dean, investigators saw Ms. Sambolin arrive late to and leave work early on several occasions. When asked about her late arrivals and early departures from the DHS building, Ms. Sambolin pointed to her extra early morning, evening, and weekend work as justification for those late arrivals and early departures. Yet, regardless of how many extra hours Ms. Sambolin was otherwise dedicating to the State outside of her regular hours, the DHS Employee Handbook requires all DHS employees to report to their work locations during their assigned work hours absent written authorization to be elsewhere. Accordingly, the allegation that Ms. Sambolin failed to report to her work location for the full duration of her State hours is **FOUNDED**.

VII. LOSS TO THE STATE

While the OEIG leaves it to DHS to appropriately calculate the loss of public funds, the OEIG estimates that dating back to 2009, the loss of State funds caused by Mr. Dean's failure to work hours for which he was paid likely exceeds \$20,000.⁹⁰

VIII. FINDINGS

Based on its investigation, the OEIG issues the following findings:

- **FOUNDED** – Mr. Dean abused State time by repeatedly failing to report to work during his State hours in violation of Section III of the DHS Employee Handbook.

⁹⁰ The basis of the calculation is as follows: the average number of hours per year in which Mr. Dean was found to be engaged in non-State related activities, 200 (Mr. Dean spent over 200 hours annually on his non-State cellular telephones on State time), multiplied by his hourly wage, \$38.61 (the hourly wage calculation is based upon the Illinois Department of Central Management Services' formula of converting base salary to daily or hourly equivalents pursuant to Ill. Admin. Code tit. 80, § 310.70). Per this formula, Mr. Dean's base salary of \$5,984/month was multiplied by 12 months and then divided by 1,860 or the number of hours full-time State employees work in a year, for a total of \$7,722. Given that the OEIG's investigation spanned three years, and Mr. Dean spent approximately 200 hours on his personal cellular telephone during each of those three years, the \$7,722 is likely only a third of the actual loss to the State. Moreover, when Mr. Dean's additional improper behavior is considered, including his use of his Riverdale cellular telephone on State time, his failure to report to his office during his State hours, and his attendance of Riverdale events on State time, including executive meeting calls, the total loss to the State likely exceeds \$20,000. In light of the fact that the loss of public funds to the State exceeds \$5,000, pursuant to 5 ILCS 430/20-80, the OEIG is referring this misconduct to the Office of the Attorney General for action it deems appropriate.

- **FOUNDED** – Mr. Dean violated the DHS Employee Handbook’s use of State time policy by conducting non-State business on State time, namely by participating, on approximately 40 occasions, in Village of Riverdale executive staff meetings in his capacity as Mayor of Riverdale.
- **FOUNDED** – Mr. Dean engaged in misconduct in violation of DHS policy when he failed to denote his December 3, 2010 unauthorized absence from his State employment on his monthly attendance record.
- **FOUNDED** – Mr. Dean engaged in misconduct in violation of DHS policy when he failed to denote his April 28, 2011 unauthorized absence from his State employment on his monthly attendance record.
- **FOUNDED** – Mr. Dean engaged in misconduct in violation of DHS policy when he failed to denote his August 25, 2011 unauthorized absence from his State employment on his monthly attendance record.
- **FOUNDED** – Mr. Dean violated the DHS prohibition against using personal communication equipment by repeatedly using a personal cellular telephone during State time.
- **FOUNDED** – Mr. Dean violated the DHS prohibition against using personal communication equipment by repeatedly using a personal cellular telephone, namely his Village of Riverdale issued telephone during State time.
- **FOUNDED** – Mr. Dean violated the DHS Employee Handbook by repeatedly transmitting and receiving hundreds of non-State-related emails through his State account.
- **FOUNDED** – Mr. Dean violated the Ethics Act and DHS policy by engaging in prohibited political activity when he misappropriated his State computer and email account to send or receive political emails.
- **FOUNDED** – Mr. Dean violated the DHS Employee Handbook by repeatedly using his State computer for non-State business.
- **FOUNDED** – Mr. Dean failed to submit Work Away forms to account for time spent working away from his designated work location in violation of the DHS Employee Handbook.
- **FOUNDED** – Mr. Dean violated a directive of his supervisor by failing to keep his State calendar accurate.
- **FOUNDED** – Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages for time he spent participating in Riverdale executive staff meetings from home, and therefore was not engaged in State business at that time and not entitled to receive State wages.

- **FOUNDED** – Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages for time he spent commuting to the DHS building following Riverdale executive staff meetings that he participated in from home, and therefore was not engaged in State business at that time and not entitled to receive State wages.
- **FOUNDED** – Mr. Dean violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages for time he spent in Springfield, IL on January 11 and 12, 2011, when his attendance records indicated that he was working in Chicago, IL.
- **FOUNDED** – Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages even though he does not report to work in a timely manner on Thursdays.
- **FOUNDED** – Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages even though in approximately twelve instances investigators did not locate Mr. Dean at the DHS building where he his attendance records reported him as working.
- **FOUNDED** – Mr. Dean repeatedly violated DHS policy by authorizing false attendance records, from which false payroll records were derived, that caused him to receive wages each time he left work early in lieu of taking a midday meal break despite his attendance records having reported him as working.
- **FOUNDED** – Mr. Dean breached DHS policy by holding secondary employment with Riverdale at the same time as his DHS employment and engaging in Riverdale business on State time.
- **FOUNDED** – Mr. Dean failed to cooperate in violation of the Ethics Act and DHS policy when he made the false statement to investigators that no one from DHS informed him about a conflict of interest between his duties as Mayor of Riverdale and his DHS position.
- **FOUNDED** – Mr. Dean failed to cooperate in violation of the Ethics Act and DHS policy when he made the false statement to investigators that he never threatened to sue his employer for defamation of character if he were to be removed from his Associate Director role.
- **FOUNDED** – Ms. Sambolin failed to adequately supervise Mr. Dean by failing to remedy violations of DHS policies regarding unauthorized absences and by failing to appropriately discipline him.
- **FOUNDED** – Ms. Sambolin failed to report to her work location for the full duration of her State hours.

In light of the severity and multi-year duration of Mr. Dean's misconduct, as well as his noncooperation, the OEIG recommends that Mr. Dean be terminated from State employment and that a copy of this report be placed in his personnel file.

In light of Ms. Sambolin's failure to adequately supervise Mr. Dean and observe State hours violations, the OEIG recommends that she be disciplined.

The OEIG will refer this matter to the Office of Illinois Attorney General because the loss to the State exceeds \$5,000. No further investigative action is needed, and this case is considered closed.

Date: **July 3, 2012**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
32 W. Randolph Street, Ste. 1900
Chicago, IL 60601

By: **Tiffany A. Stedman**
Assistant Inspector General #146

Jayne L. Wadsworth
Investigator #116

Sanjeev Mikha'il
Investigator #140

Pat Quinn, Governor



Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762
401 South Clinton Street • Chicago, Illinois 60607

July 23, 2012

Mr. Ricardo Meza
Executive Inspector General
Office of the Executive Inspector General
For the Agencies of the Illinois Governor
32 West Randolph Street, Suite 1900
Chicago, Illinois 60601

RE: OEIG Case No. 09-01120

Dear Inspector General Meza:

The Department of Human Services has reviewed your final report issued July 3, 2012, and agrees with the recommendations made by your Office.

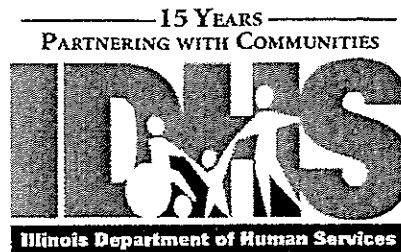
The Department has begun the process to terminate Deyon Dean's employment. A pre-disciplinary notice was provided to Mr. Dean and his union representative last week. The pre-disciplinary meeting will be held tomorrow at 3:00 p.m. We will keep you advised of the progress.

Ivonne Sambolin will be receiving a three-day suspension for her violations of department policy, and we will keep you advised on this matter as well.

If you have any further questions, please feel free to contact me.

Sincerely,

Michelle R.B. Saddler
Secretary



Pat Quinn, Governor

Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762
401 South Clinton Street • Chicago, Illinois 60607

August 27, 2012

Mr. Ricardo Meza
Executive Inspector General
Office of the Executive Inspector General
for the Agencies of the Illinois Governor
32 West Randolph Street, Suite 1900
Chicago, Illinois 60601

RE OEIG #09-01120

Dear Inspector General Meza:

This letter provides an update to our July 23, 2012 letter regarding the subject report. Deyon Dean submitted his resignation on Friday afternoon, August 17. On August 20, 2012 the Department of Central Management Services posted this personnel transaction as "Separation - No Reinstatement Rights" with an effective date of August 17, 2012.

As you are aware, the Department of Human Services notified Ivonne Sambolin of its intent to suspend her for three days. Ms. Sambolin will serve her last day of suspension on September 7. As a 4d3 employee, she has no appeal rights.

Given the above actions, the Department considers this matter closed. If you have any questions, please feel free to contact me.

Sincerely,

Michelle R.B. Saddler
Secretary

RECEIVED
SEP 26 2012

EXECUTIVE
ETHICS COMMISSION

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Ivonne Sambolin)

09-01120

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

☒ Below is my public response. Please make this response public if the summary report is also made public; or

☐ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

Respondent's Signature

9-21-12
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

This is in response to OEIG investigation case number 09-01120 and the findings I have been charged with.

As a SPSA employee I have always felt that I am at the will of the Governor's Office and a typical 8:30am to 5pm workday is not always the case. I have always been dedicated to my work and to the community we serve. Although I may have sick days, vacation days, personal days, and at the time, 24 furlough days, I was always accountable to my supervisors and my staff during my time away from the office. I have been called upon during my benefit time to be part of conference calls and to attend meetings; during this time I continued to keep in constant contact with my superiors as well as my staff.

As Director, I have never felt that I had the luxury of walking away from my job and not be responsible to the agency, even during approved time off. For example, in 2011 we were subjected to 24 unpaid furlough days if which, by technical rules, I was forbidden from engaging in DHS business; however, I continued to work from home and in various other locations to ensure that the Division for which I was responsible ran efficiently. Staff had direct contact with me whenever needed. A 7.5 hour work day is not normal for any Director of a Division that consists of over 180 employees, over 60 programs, and was in constant jeopardy of losing funding due to budget crisis.

Although I understand the need for the OEIG to investigate an employee's accountability of time, I feel that the investigation did not take into account the amount of time I have given to the State in which I never requested overtime or compensation time.

Ivonne Sambolin